

# INSTRUCTION AND APPLICATION PACKAGE

## *CONDITIONAL USE AND SPECIAL EXCEPTION USE PERMIT PETITION*

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

### **Table of Contents**

<b>SECTION 1</b>	Filing an Application .....	2
A.	Discussion with Staff .....	
B.	Deadlines.....	2
C.	Definition of Permit Types and Uses.....	2
D.	Duration of Permits .....	2
<b>SECTION 2</b>	Summary Checklist of Items Required to Submit Application.....	3
<b>SECTION 3</b>	Instructions and Forms .....	3
A.	Fees .....	3
B.	Application Form .....	3
C.	Homeowners Associations.....	3
D.	Legal Description .....	4
E.	Proof of Ownership.....	4
F.	Narrative Description of the Request.....	4
G.	List and Map of Adjacent Property Owners .....	4
H.	Site Plan .....	5
<b>SECTION 4</b>	Requirements for Notice of the Public Hearings .....	5
<b>SECTION 5</b>	Notice of Quasi-Judicial Proceedings .....	6
<b>SECTION 6</b>	Public Hearings - Information on Requirements, Location, and Equipment Provisions .....	6
<b>SECTION 7</b>	Public Inquiry Workshop .....	6
<b>SECTION 8</b>	Public Records Request .....	7
<b>SECTION 9</b>	Postponement of Petitions.....	7
<b>SECTION 10</b>	Withdrawal of the Application.....	7
<b>SECTION 11</b>	Schedule Petition for Public Hearing.....	7
<b>SECTION 12</b>	Notice to the Applicant .....	8
Appendix	Application Form	
	Fee Calculation Sheet	

## SECTION 1: Filing an Application

### A. Discussion with Staff

Prior to completing the application, it is recommended that a discussion be held with a planner in the Planning Department to ensure this process is appropriate and the best available option. It takes approximately 3 months to complete the CU/SPEX permitting process from the time of the application deadline submittal date to the final public hearing date. Application forms and instructions are updated periodically; it is the applicant's responsibility to check with the Planning Department to ensure this is a current package.

Should the property have an existing structure intended to be utilized for commercial purposes, Staff recommends that applicants meet with a Zoning Technician of the Zoning Division **PRIOR TO SUBMITTING THIS APPLICATION** to discuss applicable land use regulations and building code requirements. The Zoning Division can be reached at 352-754-4050.

### B. Deadlines

Please refer to the Application Deadline chart under the Forms and Application section on the Planning Department's website at [www.hernandocounty.us/plan](http://www.hernandocounty.us/plan) for hearing dates and associated deadlines or call the department at 352-754-4057 for further assistance. The deadline date is the last day that a **complete** application can be submitted. It is highly recommended that applications be submitted prior to the last date of the deadline so that any incomplete information may be submitted before the deadline. **Incomplete applications will not be scheduled for public hearing.** The Planning Department will advise the applicant when the petition will be scheduled for a public hearing.

### C. Definition of Permit Types and Uses

#### 1. Conditional Use Permit:

A conditional use is intended to be utilized as a special permit which **temporarily** allows uses not otherwise permitted by the Hernando County ordinance. A conditional use is not a matter of right. It is a discretionary approval by the Planning and Zoning Commission.

#### 2. Special Exception Permit:

A special exception use may be permitted in only those zoning districts where they are designated as special exception uses by the ordinance and only when specifically approved by the Planning and Zoning Commission. A special exception is a legal authorization to undertake a special exception use which has been authorized in conformance with the Hernando County ordinance.

### D. Duration of Permits

#### 1. Conditional Use

No conditional use permit shall be issued for a period to exceed two (2) years unless otherwise specified in the ordinance. However, conditional use permits may be renewed or extended upon re-application. All re-applications must go through the public hearing process.

**2. Special Exception Use**

If a developer fails to obtain a building permit for the vertical construction of the principal or primary building within a period of not more than two (2) years from the approval date or the special exception use is not established during this period, then the special exception use permit shall be null and void.

**SECTION 2: Summary Checklist of Items Required to Submit an Application**

Do not staple or otherwise make packets out of these items. When multiple copies are required paper clip the copies to the original:

- Fee Calculation Sheet (acreage and/or fee should not be rounded off)
- Application Form (1 **original** plus 4 copies)
- Proof of Ownership (1 copy)
- Narrative Description of the Request/Project (1 **original** plus 4 copies)
- Master Plan or Site Plan (1 **original** plus 5 copies – one copy must be 8.5 x 11 in size, the maximum acceptable size is 11 x 17)
- List and Map of Adjacent Property Owners Obtained from Property Appraiser (1 copy)

The Planning Department reserves the right to request additional information during the review process. It is the responsibility of the applicant/representative to ensure that all requested information or material is provided in a timely manner. If the additional information is not received and/or is of an intensity or complexity which requires additional review time by staff, the petition will not be scheduled until all items have been addressed.

**SECTION 3: Instructions and Forms Required for a Complete Application**

It is the applicant's responsibility to ensure that all items are submitted as required.

**A. Fees**

The application fee 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. The schedule is available online at [www.hernandocounty.us/plan](http://www.hernandocounty.us/plan) under the Conditional Use / Special Exception application section. The fee calculation sheet is required to be submitted with the application forms. All acreage and/or fees should not be rounded off.

**B. Application Form**

**The application must be executed by the property owner(s) attesting to the identity of the applicant if different, and a representative, if applicable.** Submit one original signed and notarized form plus 4 copies thereof. Type or neatly print in ink all information on the application form. The form is available online at [www.hernandocounty.us/plan](http://www.hernandocounty.us/plan) under the Conditional Use / Special Exception application section. Do not staple the application forms or otherwise combine them with any other forms or documents.

**C. Homeowners Associations (HOA)**

The applicant must identify the name, contact person, and mailing address of any homeowners association with members that are within the required notice radius under the Code. The homeowners association identified in the application will be notified under the public notice

requirements of the Code for mailed notice. The applicant will also be provided with HOA information that has been registered with the Planning Department.

The applicant will be required to contact the affected HOA to conduct an “informational meeting” with the identified HOA and certify that the informational meeting has been conducted with the HOA. An affidavit will be provided to the applicant attesting that any affected HOA has been contacted under the public notice requirement of the Code. The affidavit must be returned to the Planning Department. A public hearing on the application will not be scheduled until this step has been completed.

At any time during the application process, the Department, the Planning and Zoning Commission, or the Board of County Commissioners may require a Public Inquiry Workshop in accordance with the Code provisions. (*BCC Policy 37-01*)

**D. Legal Description**

The application is required to list all associated **parcel key numbers** to be considered as the subject property of the petition on the application form.

**E. Proof of Ownership**

Provide one (1) copy of proof of ownership. Acceptable proof of ownership is one of the following:

1. Tax bill
2. Property appraiser’s office record
3. Recorded deed. If a recorded deed is provided, the portion of the property description describing the request must be highlighted.

**F. Narrative Description of the Request**

Prepare a narrative description of the request according to the standard format of issues shown below. Submit one original plus 4 copies. It is the applicant’s responsibility to ensure that the request will accommodate the intended use(s) of the property. Classification of the intended use(s) is made by the County’s Zoning Division (352-754-4050).

**Proposal:**

- a. Proposed use and its relation to the parcel of property;
- b. Existing and future structures; and
- c. Access and parking.
- d. If applicable, hours of operation and number of employees;
- e. If applicable, proof of hardship is required for any proposed temporary second residence. A physician’s letter must be submitted as proof of medical hardships. Please insure the physician letter complies with HIPPA privacy rules as the letter will become part of the public record.

**G. List and Map of Adjacent Property Owners**

Provide a list of names and addresses and associated map 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. An order form is available on line at the Hernando County Property Appraiser’s website. 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.

#### **H. Site Plan or Drawing(s) Minimum Requirements**

5 copies of Site Plan:

One copy must be 8.5 x 11 in size. The **maximum** acceptable size is 11x17. Plans larger than 11x17 will not be accepted.

1. Location and acreage of all uses;
2. External access roads and access points;
3. Parcel dimensions;
4. Drainage retention areas;
5. Building size(s) and location(s);
6. Setbacks of all existing/proposed structures from the property line;
7. Parking area - layout, location, size and number of spaces;
8. If applicable, existing/proposed buffers and open space.

#### **SECTION 4: Requirements for Notice of the Public Hearings**

The following items are legal matters that must be accomplished prior to the public hearing:

##### **A. Public Notice Signs**

Signs prepared by the Planning Department will be issued and must be posted by the applicant in a conspicuous location on the property. The signs **must be posted at least 10 days prior to the public hearing**. A sign posting affidavit will be provided by the Department at the time the signs are picked-up. After posting the signs, the affidavit must be signed by the applicant, notarized, and returned to the Planning Department **at least one week prior** to the hearing.

The applicant shall submit dated photograph(s) of the posted sign(s) with the executed sign posting affidavit.

The signs must remain on the property until all the public hearings are conducted. Additional signs may be obtained from the Planning Department at a fee if they are lost, damaged, or become illegible. Failure to maintain the signs may result in a delay to the public hearing process.

##### **B. Newspaper Advertisements (Special Exception Use Permit Only)**

The Planning Department will prepare a legal advertisement to be published in the local newspaper prior to the meeting. The proof of publication is mailed by the newspaper to the Department. The fee for the advertising is included in the application cost.

##### **C. Mailing to Adjacent Property Owners**

The Planning Department will mail a copy of the notice of the public hearing to all property owners within 500 feet of the boundaries of the property covered under the application. This notice shall be mailed at least ten (10) days prior to the meeting. The mailing fee is included in the application cost. The mailing list is furnished by the applicant and must be based upon the mailing list generated by the Property Appraiser's office.

## **SECTION 5: Notice of Quasi-Judicial Proceedings**

All documentation and communications are a matter of public record. The Conditional Use/ Special Exception Use Permit process is a quasi-judicial function of the Planning and Zoning Commission and Board of County Commissioners. Quasi-judicial proceedings require the declaration of ex parte communication related to the matter (telephone calls, conversations, letters, memoranda, etc.), and all persons providing testimony will be placed under oath.

## **SECTION 6: Public Hearings - Information on Requirements, Location, and Equipment Provisions**

The Conditional Use / Special Exception Use Permit process involves a public hearing before the Planning and Zoning Commission. The Planning and Zoning Commission makes the final decision regarding the permit application; however, there is a 30 day appeal period after the decision rendering in which the Board of County Commissioners may review the Planning and Zoning Commission's decision.

The Planning and Zoning Commission meets the second Monday of every month beginning at 9:00 A.M. All public hearings will be conducted in the John Law Ayers County Commission Chambers of the Hernando County Government Center, 20 North Main Street, Room 160, Brooksville, Florida, unless otherwise noted.

It is the policy of the Planning and Zoning Commission that a representative be present at the hearing. If an applicant or an applicant's representative is not present at the hearing, it may result in the application being continued or denied (see additional information under the Postponement Section of the instruction packet).

The Planning and Zoning Commission conducts meetings from prepared agendas pursuant to adopted procedures and have established time limits for testimony during the public hearing as follows:

Applicant's presentation:	15 minutes
Public Comment:	3 minutes (each person)
Applicant rebuttal:	5 minutes

Public hearings are advertised for a date and time certain; therefore, the Commission will not hear or act on a permit application before the advertised hearing time on the agenda.

If additional time is necessary to make a presentation, this should be indicated at the time the application is made. Rebuttal time will be limited to issues raised during the public hearings. To afford adequate time for rebuttal, the time frame may be extended at the discretion of the Chair of the Planning and Zoning Commission. Be advised that there is no limit to the amount of written documentation that may be provided as part of the application and the Planning Staff may request additional information.

Any CU/SPEX permit approvals rendered by the Planning and Zoning Commission are land use determinations only. There still may be applicable development regulations, policies and/or approvals from other county permitting agencies.

Be advised that if a person decides to appeal any quasi-judicial decision made by the Board, Agency, or Commission with respect to any matter considered at such hearing or meeting, he or she will need a record of the proceeding, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

This room is equipped with an overhead projector, movie screen, and an LCD projector. Please contact the Planning Department for any other meeting room needs.

Hearings are broadcast live via cable channels and the Hernando County website at [www.hernandocounty.us](http://www.hernandocounty.us). For the broadcasting schedule and to obtain copies of the video please contact the Government Broadcasting Department at 352-540-6777.

#### **SECTION7: 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. 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.

#### **SECTION8: Public Records Request and Review**

All information is considered a matter of public record and copies of documentation will be provided to the public upon request. Shown below are the options available to review information regarding filed applications.

- A. The application file is available for public review in the Hernando County Planning Department.
- B. Approximately one week before the hearing, the agenda and application packet information can be viewed on the County's website at [www.hernandocounty.us](http://www.hernandocounty.us) – follow the Board Agendas and Minutes link to the specified public hearing.

#### **SECTION 9: Postponement of Petitions**

A first request for postponement of a public hearing item received at least ten days prior to the scheduled public hearing will automatically be granted. The petitioner is required to send notice of the postponement to property owners within 500' of the subject property pursuant to the format prescribed by the County at least ten days prior to the public hearing. Untimely or subsequent requests for postponements may be granted or denied at the Planning and Zoning Commission's discretion at the scheduled public hearing. *(BCC Policy 01-01)*

When a CU/SPEX permit petition is postponed or continued, the petitioner will be required to re-post the property. The petitioner will be responsible for all costs incurred per standing operating procedures of the Planning Department. The Planning and Zoning Commission may require the re-advertising and/or re-noticing of any petition when it is determined the additional notice is necessary. Costs for the additional notice shall be the responsibility of the petitioner. *(BCC Policy 24-01)*

At the request of the Commission, the governing body, or the applicant, any scheduled public hearing may be continued until a date certain, which date shall be set by the commission or the governing body, respectively, at their sole discretion.

#### **SECTION 10. Withdrawal of the Application**

Public hearing items for CU/SPEX permit issues may be withdrawn by the petitioner at any time during the public hearing process. The Board/Commission will acknowledge the withdrawal at the scheduled public hearing. *(BCC Policy 01-01)*

## **SECTION 11. Schedule Petition for Public Hearing**

The Planning Department will advise the applicant when the petition is scheduled for a public hearing, allowing sufficient time for public notice and advertising. The commission or governing body shall render a decision on the merits of the application within one hundred and eighty (180) days of the applicant being advised that the application is complete and sufficient. It shall be the responsibility of the applicant to ensure that its application is scheduled and acted upon in a timely fashion. Any application not acted on by the commission or governing body within said one hundred and eighty (180) day period shall be deemed abandoned and void, and such application shall be closed out by the Planning Department with no refunds of any fees paid by the applicant. Any applicant whose application is declared abandoned or void under this provision may re-file such application at a subsequent date, without prejudice, upon payment of all required fees and submission of a complete and sufficient application.

## **SECTION 12: Notice to the Applicant**

### **A. Staff Report**

The Planning Department will review and analyze the application documentation, make a site visit, and prepare a report to be presented to the Planning and Zoning Commission. During the review, Staff may request additional information as necessary to adequately process the application. The staff report will include recommendations for approval or denial of the petition and the reasons for that recommendation. There may also be performance conditions in the recommendation. The report will be completed at least seven (7) days prior to the Planning and Zoning Commission hearing. A copy of this report will be mailed to the applicant or representative prior to the hearing.

### **B. Access to Agenda, Staff Report, and Application Information**

All information is considered a matter of public record and copies of documentation will be provided to the public upon request. Shown below are the options available to review information regarding filed applications.

1. The application file is available for public review in the Hernando County Planning Department.
2. Approximately one week before the meeting, the agenda and agenda packet can be viewed on the County's website at [www.hernandocounty.us](http://www.hernandocounty.us) – follow the Board Agendas and Minutes link to the specified public hearing.

### **C. Disclosure to Applicant**

The Conditional Use / Special Exception Use Permit process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

The granting of a land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances.

Homeowner's associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

Effective Date: 11/8/16 Last Revision: 11/8/16