



**INSTRUCTION AND
APPLICATION PACKAGE**
REZONING and PUBLIC SERVICE
FACILITY AMENDMENT PETITION

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

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SECTION 1: Filing an Application

A. Discussion with Staff

It is recommended that a discussion be held with the Planning Department prior to completing an application to ensure the rezoning process is appropriate and the best available option. It takes approximately 3 months to complete the rezoning 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.

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 for hearing dates and associated deadlines or call the department at 352-754-4057 for further assistance. The deadline date is the only day that a **sufficient** application can be submitted.

C. Other Criteria (if applicable)

1. Large Retail Development(s):

Commercial proposals for single building or single site development with multiple buildings of the same use and owned and managed by the same entity, greater than 65,000 square feet must apply as a planned development project (PDP). Please see a planner to discuss the process. The project must also comply with the Large Retail Development standards of Articles III and VIII of Appendix A, Hernando County Code of Ordinances.

2. Existing Commercial Structures

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 and/or Building Department **PRIOR TO SUBMITTING THIS APPLICATION** to discuss applicable land use regulations and building code requirements. The Zoning Division/Building Department can be reached at 352-754-4050.

3. Communication Towers

Pursuant to the County Zoning Ordinance regarding Public Service Facility Overlay Districts for the purpose of a Communications Tower, additional information is required at the time the application is submitted. Please contact the Planning Department for additional information. Required tower application information is available online at under the Rezoning application section at www.hernandocounty.us/plan.

SECTION 2: Summary Checklist of Items Required to Apply

- Fee Calculation Sheet (acreage and/or fee should not be rounded off)
- Application Form
- Proof of Ownership
- Narrative Description of the Request/Project
- Master Plan or Site Plan (2 **originals** — one must be 8.5x11; one must be 11x17)

- Map and List of Adjacent Property Owners Obtained from the Property Appraiser's Office. Please ensure that all associated Parcel Key numbers are provided to the Property Appraiser's Office. (This map and associated list must be forwarded digitally directly to the Planning Department).

SECTION 3: Instructions and Forms Required for Application Intake

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 under the Rezoning 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. Type or neatly print in ink all information on the application form.

C. Homeowners Associations (HOA)

The applicant must identify the name, contact person, and mailing address of any homeowners' association (HOA) with members that are within the required 500' 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.

D. Legal Description

The application is required to list all associated 8-digit **parcel key numbers** to be considered as the subject property of the petition on the application form.

E. Proof of Ownership

Provide 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.

Note: If the property is in the ownership of a trust, corporation, or limited liability corporation, proof must be provided that the individual signing the application has legal authority given by the subject organization.

F. Narrative Description of the Request

Prepare a narrative description of the request according to the standard format of issues shown below. It is the applicant's responsibility to ensure that the request will accommodate the intended use(s) of the property. Depending upon the complexity of the project, the County may request additional information to complete a review of the application. Classification of the intended use(s) is made by the County's Zoning Division (352-754-4050).

1. Proposal

- a. Proposed land uses and their specific acreage
- b. Proposed density level of residential uses
- c. Proposed square footage of development and building height(s) of commercial uses
- d. Proposed deviations from code

Please provide a list of any proposed deviations to the Land Development Regulations (LDRs). Cite specific code requirements and clarify the justification.

2. Site Characteristics

- a. Site size (acres)
- b. Existing land uses and their specific acreage
- c. Known activities or uses on-site

3. Environmental Considerations

- a. Flood Zone
- b. Drainage Features
- c. Water Features
- d. Habitats
- e. Conditions and Impacts on Natural Features

If a Wildlife Survey and/or a Wetland Jurisdictional Survey has been completed for the subject site, please submit said survey(s) with the master plan/rezoning application at time of submittal.

4. Site Plan Discussion in the Narrative

(See section on **Required Master Plan or Site Plans** shown later in this document.)

- a. A description of the concept of the development plan
- b. Proposed buffer sizes and separation widths between proposed land uses
- c. Proposed Setbacks and Minimum Sizes for Individual Lots
- d. Impacts and Improvements to infrastructure
- e. Proposed uses within pods

5. Impacts to Public Facilities

- a. Discussion of the impact on infrastructure, including but not limited to transportation, water, drainage, sanitary sewer, parks, recreation, solid waste and public school facilities, along with any necessary data and

analysis required to demonstrate that adequate public facilities will be available;

- b. Discussion on any improvements proposed to the infrastructure to maintain and demonstrate adequate public facilities;

6. **Water and Sewer Services**

The county subdivision regulations require the dedication of sewer and water systems to the county in planned residential or commercial development projects and provides for the obtaining of water and sewer service from the county, payment of connection fees, and commitments for service.

In preparing an application for rezoning, a developer should be aware of these provisions and shall take initial steps toward water and sewer agreements. In all cases, a developer must request water and sewer service from the county. If the county is to provide water and/or sewer, the developer must acknowledge in writing understanding of ordinance requirements and that the developer will comply with the provisions. The County may require that the applicant prepare a capacity study later in the development process to confirm infrastructure availability.

If the project is located adjacent to or within the City of Brooksville Utility Department's First Right to Serve Area, the developer can request service from the City and provide a letter from the City stating service is available.

7. **Senior, Age-Restricted or Affordable Housing**

If the project or any portion involves dedicated senior or age-restricted housing or is restricted to affordable housing as defined in section 420.0004, Florida Statutes, or workforce housing as defined in section 420.5095, Florida Statutes, as such statutes may be amended or renumbered from time to time, then a description of such housing shall be included in the narrative. The county shall require a separate development agreement with the applicant and/or evidence of recordable deed restrictions or such other recordable instrument acceptable to the county which memorializes and enforces such commitment to provide senior or age-restricted housing, affordable housing, and/or workforce housing.

Note: This shall be considered a preliminary narrative at time of submittal of the request for zoning amendment petition. The Governing Body may require that a PDP narrative be revised to meet any additional conditions. If the Governing Body requires such a revision, the applicant must submit a revised narrative, meeting all conditions following the action by the Governing Body. In no event shall the applicant receive any subsequent development approval from the county until such time the applicant has submitted a revised narrative meeting the requirements of this provision.

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 online 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.

Communication towers: For applications for Public Service Facility Overlay District for a Communication Tower, a sketch and list of adjacent property owners within one-quarter mile (1,320 feet) of the subject property must be provided.

H. **Master Plan or Site Plan Minimum Requirements**

2 Originals of Master Plan or Site Plan: one must be 8.5 x 11 in size. The second must be 11x17. Plans larger than 11x17 will not be accepted.

1. Location and acreage of all proposed land uses;
2. External access roads and access points;
3. Major internal access roads and access points to individual pods;
4. Natural features, wetlands, flora and fauna;
5. Parcel dimensions;
6. Location of flood plain;
7. Drainage retention areas;
8. Perimeter project setbacks;
9. Internal project setbacks;
10. Individual lot setbacks;
11. Intensity of the project (building square footage of each building/use and acreage and overall acreage and square footage of proposed project);
12. Density (proposed dwelling units per acre);
13. Surrounding zoning and land uses;
14. Separation of land uses;
15. Building heights; and
16. Topographical information.

If sufficient documentation is not received to intake the application, the applicant will be asked to complete the application for the next application submittal cycle. Depending upon the complexity of the project, the County may request additional information to complete a review of the application.

I. **Public Inquiry Workshop**

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 Appendix A of the Hernando County Code of Ordinances.

The applicant shall be responsible for all costs incurred in the notice procedures. **If a public inquiry workshop is necessary, the application will be deferred until the next land use application cycle.** 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.

SECTION 4. Application Sufficiency Determination; Completeness Review and Scheduling for Public Hearing

A. **Sufficiency Review**

Upon receipt of the application, a sufficiency review is completed to determine if all required documentation as listed in Section 2 was provided. If all required documentation is not

received by 5:00 p.m. on the date listed on the hearing deadline date schedule, the application is determined insufficient and the application will not be processed for the associated scheduled hearing dates. The application will be processed for the next hearing schedule once the outstanding documentation has been provided to the Planning Department and the application has been deemed sufficient.

B. Completeness Review

Upon receipt of the application and deeming it sufficient, the Planning Department has 30 days to determine if an application is complete and ready to be presented for public hearing.

If, during that 30-day period, the Planning Department determines that the application is complete, the application will be processed for the associated public hearings in accordance with the public hearing schedule.

If, during the initial 30-day period, the Planning Department determines that the application is **not** complete, the applicant will have 30 additional days to rectify any application deficiencies. The application will be deferred to the next public hearing cycle.

If after the 30-day cure period to address application deficiencies, the application is still deemed to be incomplete, the petitioner has the option to request a postponement of the public hearing to allow for adequate time to resolve completeness issues. This request must be in writing. If a request in writing is not received, the Planning Department has the discretion to make a negative recommendation at the public hearings.

C. Scheduling for Public Hearing

The Planning Department will advise the applicant when the petition is scheduled for public hearing(s), 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 the 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 5: 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 then 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 Commission/Board's discretion at the scheduled public hearing. (*BCC Policy 01-01*)

When a zoning 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 Board of County Commissioners or the Planning and Zoning Commission may require the re-advertising and/or re-noticing of any petition when it is determined

that 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.

If the petition is postponed for longer than six months, the petitioner will be responsible for requesting and paying for an updated Adjacent Property Owner (APO) listing.

SECTION 6. Withdrawal of the Application

Public hearing items for zoning 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 7: 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 first 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 first 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

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' (or 1,320' for communication towers) 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 8: Notice of Quasi-Judicial Proceedings

All documentation and communications are a matter of public record. The rezoning process is a quasi-judicial function of the Planning and Zoning Commission and Board of County Commissioners. Quasi-judicial proceedings require the declaration of previous communication related to the matter (telephone calls, conversations, letters, memoranda, etc.). All persons providing testimony related to any of the quasi-judicial agenda items will be placed under oath.

SECTION 9: Public Hearings - Requirements, Location, and Equipment

The rezoning process involves public hearings before two boards; the Planning and Zoning Commission and the Board of County Commissioners. The Planning and Zoning Commission makes a recommendation on the rezoning request to the Board of County Commissioners. The Board of County Commissioners makes the final determination.

The Planning and Zoning Commission meets the second Monday of every month beginning at 9:00 A.M. The Board of County Commissioners typically hears rezoning applications on the second Tuesday of the month following the Planning and Zoning Commission's hearing. 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.

Note: If the rezoning application has an associated Comprehensive Plan Amendment, the public hearing schedule may be adjusted based on the requirements for the review and approval of the Comprehensive Plan Amendment.

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

The Planning & Zoning Commission and Board of County Commissioners conduct meetings from prepared agendas pursuant to adopted procedures and have established time limits for testimony during the public hearings 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 hearing body will not hear or act on a rezoning 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/Board of County Commissioners. 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 zoning approvals rendered by the Board of County Commissioners are land use determinations only. There still may be applicable development regulations, policies and/or approvals from other county permitting agencies. For development other than single-lot development for the placement of a single-family home or mobile home, all applicable development review processes are required.

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. For the broadcasting schedule and to obtain copies of the video please contact the Government Broadcasting Department at 352-540-6777.

SECTION 10: 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 – follow the Board Agendas and Minutes link to the specified public hearing.

SECTION 11: 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/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 – follow the Board Agendas and Minutes link to the specified public hearing.

C. Duration of a Master Plan

The failure of the applicant to initiate substantial performance within two (2) years from date of approval by the governing body shall render the master plan null and void. If a planned development project (PDP) requires subsequent conditional plat approval, then “substantial performance” shall mean that the applicant has obtained conditional plat approval during this two year period. If a planned development project does not require plat approval, then “substantial performance” shall mean that the applicant has obtained a building permit(s) for vertical construction relating to the primary or principal building for non-residential projects or has obtained building permits for the first phase of dwelling units for residential projects during this two year period.

D. Conversion of Euclidean (conventional) Zoning to a Planned Development Project Zoning District

The commission or the governing body, as a condition to the reviewing of any proposed zoning change, may require the submission of a site plan for the purpose of converting a proposed zoning amendment to a planned development project (PDP). Such approval shall be in accordance with the terms and conditions of Article VIII for Planned Development Projects.

E. Disclosure to Applicant

The rezoning 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 Concurrence. 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.