

**HERNANDO COUNTY PLANNING DEPARTMENT
INSTRUCTION AND APPLICATION PACKAGE**

***CONDITIONAL USE PERMIT AND
SPECIAL EXCEPTION USE PERMIT***

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SECTION 1: Deadline for Submission

The deadline date for submitting this application is 12:00 Noon on Wednesday, five and one-half (5 ½) 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 website and the staff can advise applicants of the exact date.

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.** All fees are due at the time of submission. See the next section for fee information. Please refer to 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 applicant, upon being first advised by the Planning Department that the application is incomplete or insufficient, shall have a total of one hundred and eighty (180) days to correct all completeness and sufficiency deficiencies. If the applicant fails or refuses to correct such deficiencies within this period, said application shall be deemed abandoned and void. 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 2: Fees

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 Permit Section. The fee calculation sheet is required to be submitted with the application forms.

SECTION 3: Definition of Permit Types and Uses

Before completing the application form, verification of the permit type must be determined. Please contact the Planning Department at 352-754-4057 for further assistance.

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.

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 specially 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.

SECTION 4: Summary Checklist of Items Required to Submit Application

A complete description for each of these items is contained in this instruction packet. Do not staple or otherwise make packets out of these items.

- Fee Calculation Sheet
- Application Form (1 Original Plus 8 Copies **Paper Clipped** to Original)
- Proof of Ownership (1 Copy)
- Narrative Description of the Request/Project (1 Original Plus 8 Copies **Paper Clipped** to Original)
- Site Plan or Drawing (1 Original Plus 15 Copies: Maximum Size 11 X 17 Size. One copy must be 8-1/2 X 11 in size)
- List of Adjacent Property Owners Obtained from Property Appraiser (1 Copy)
- Sketch of Adjacent Property Owners from Property Appraiser (1 Copy)
- After the signs are posted, the original, notarized sign posting affidavit (furnished by the Department at the time the signs are issued) must be provided to the Planning Department one week before the meeting.

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/material is provided. 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.

For a scheduled application, any revised information received twelve days prior to the public hearing will not be reviewed by staff and will not be forwarded to the Commission prior to the scheduled hearing.

SECTION 5: Discussion of Proposal with Planning 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 10-12 weeks to complete the public hearing process from the time the application is determined to be sufficient to the final public hearing date. Application forms are updated periodically; it is the applicant's responsibility to check with the Planning Department to ensure this is a current package.

SECTION 6: Notice of Quasi-Judicial Proceedings

All documentation and communications are a matter of public record. The 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 7: Public Hearings - Information on Requirements, Location, and Equipment Provisions

The 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. Unless otherwise scheduled, 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.

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. In accordance with the American Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact Alice Gura, County Administration, 20 N. Main Street, Room 263, Brooksville, FL 34601, telephone (352) 754-4002, no later than three (3) days prior to the proceedings. If hearing impaired please call 1-800-676-3777 for assistance.

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.

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 Sections 10 and 11 on the adjournment or continuance of applications).

The Planning and Zoning Commission, unless otherwise noted, meets the second Monday of every month beginning at 9:00 A.M.

The Planning and Zoning Commission conducts meetings from prepared agendas pursuant to adopted procedures. The applicant or applicant's representative will be asked under oath to present testimony of facts associated with the permit application, the public will be given a chance to comment and the applicant/ representative will be given a chance to rebut, then the Commission will make its decision.

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

The Planning and Zoning Commission has 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

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 hearing. 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 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.

Should the property have an existing structure intended to be utilized for commercial purposes, Staff recommends that applicants meet with the Commercial Development Staff of the Development Department **PRIOR TO SUBMITTING THIS APPLICATION** to discuss applicable land use regulations and building code requirements.

SECTION 8: 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 as follows:

- A. The applicant shall provide sign notice by posting the property a minimum of ten (10) days prior to the scheduled workshop with a Public Inquiry Workshop notice sign, supplied by the Planning Department. The sign notice hereunder shall be in addition to all other notice provisions in accordance with the Hernando County Code of Ordinances.
- B. The applicant shall provide mail notice a minimum of ten (10) days prior to the scheduled Public Inquiry Workshop giving the time, place and purpose of the meeting to each property owner within 500 feet of the parcel covered by the application based on the mail list generated by the Property Appraiser's Office. The applicant shall provide the Planning Department a copy of the mail list and a notarized affidavit indicating that said notice was mailed. The mail notice hereunder shall be in addition to all other mail notice provisions in accordance with the Hernando County Code of Ordinances.
- C. The applicant shall provide to the Planning Department a Citizen Sign-in sheet and executive summary explaining what information was provided to the public at the meeting accompanied by a notarized affidavit indicating that the list is an official record of attendance at the meeting. The Citizen Sign-In sheet and executive summary will become a part of the official application file.

SECTION 9: Public Records 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. The application documentation is available on the Hernando County Planning Department website at www.hernandocounty.us/plan.
- C. Approximately one week before the meeting, the finalized agenda and application packet information can be viewed on link at <http://www.hernandocounty.us/agenda.htm>

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.

SECTION 10: Adjournment of Petition

When a permit petition is adjourned, the petitioner will be required to re-post the property. The petitioner will be responsible for all costs incurred for proper advertising 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)*

SECTION 11. Continuance or Withdrawal of Application

A first request for continuance 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 continuance to property owners within 250 feet 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 continuance may be granted or denied at the Planning and Zoning Commission's discretion at the scheduled public hearing. *(BCC Policy 01-01)*

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

Upon an applicant being advised by the Planning Department that the application is complete and sufficient, a public hearing shall be scheduled at the next available Planning and Zoning Commission meeting, allowing sufficient time for public notice and advertising. At the request of the Commission, or the applicant, any scheduled public hearing may be continued until a date certain (which date shall be set by the commission at their sole discretion). Notwithstanding the foregoing, the commission 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 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: Instructions and Forms

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

A. How to Prepare the Application Form

Type or neatly print in ink all information on the application form. The form is available online at www.hernandocounty.us/plan under the Permit Section. Submit one original signed and notarized form plus 8 copies thereof. **Do not staple the application form to the copies or otherwise combine it with any other form or document.**

B. Legal Description

The application requires that a complete legal description of the subject property is provided. Acceptable legal descriptions shall be in one of the following formats:

1. Reference to a platted lot
2. Metes and bounds description
3. Sectional breakdown
4. Plan indicating a point of beginning with distances and bearings

C. 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.

D. 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 8 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 Development Department (352-754-4050).

Applicant's Request

- a. Proposed use and its relation to the parcel of property;
- b. Existing and future structures;
- c. Access and parking;
- d. If applicable, hours of operation and number of employees;
- e. If applicable, proof of hardship letter is required for any proposed temporary second residence;
- f. Additional information may be requested depending on the type of use;

E. List and Sketch of Adjacent Property Owners

Provide a list of names and addresses and associated sketch of all property owners within 250 feet 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.

F. Required Site Plan or Drawing(s)

- One Original and 15 Copies (Maximum size 11 x 17)
- One Copy 8-1/2 X 11
- One Copy 11 X 17

The site plan or drawing shall at a minimum show:

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;
9. Proposed Utility Service.
10. Additional information may be necessary to complete application.

G. Requirements for Notice of the Public Hearings

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

1. ***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 meeting**. 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 signs must remain on the property until the public hearing is 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 sign(s) may result in a delay to the public hearing process.

2. ***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 permit application cost.
3. ***Mailing to Adjacent Property Owners***
The Planning Department will mail a copy of the notice of the public hearing to all property owners within 250 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 fee for the advertising includes the mailing. The mailing list is furnished by the applicant and must be based upon the mailing list generated by the Property Appraiser's office.
4. ***Application Packets to Planning and Zoning Commission***
The Planning and Zoning Commission will receive the application information approximately two and one half (2 ½) weeks prior to the hearing.

SECTION 13: 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. It will also be available on the Internet prior to the hearing at: www.hernandocounty.us/plan.

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.

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2. The application documentation is available on the Hernando County Planning Department website at www.hernandocounty.us/plan.
3. Approximately one week before the meeting, the finalized agenda and application packet information can be viewed on link at <http://www.hernandocounty.us/agenda.htm>

C. Duration of Permits

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 hearing process.

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.

E. Disclosure to Applicant

The 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 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 of recorded deed restrictions which may exceed any county land use ordinances. The applicant for this permit request should contact the local homeowner's association or review the Public Records for all restrictions applicable to this property.