

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

***ZONING AMENDMENT PETITION  
REZONING and PUBLIC SERVICE FACILITY REVIEWS***

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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](http://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](http://www.hernandocounty.us/plan) under the Rezoning Section. The fee calculation sheet is required to be submitted with the application forms.

## SECTION 3: 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. 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. Any revised information received twelve days prior to the public hearings will not be reviewed by staff and will not be forwarded to the Commission prior to the scheduled hearing. 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 4: 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 rezoning 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 5: 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 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 rezoning process involves public hearings before two different boards; the Planning and Zoning Commission and the Board of County Commissioners (BCC). 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. 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 462, 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](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.

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 information below on the postponing or adjourning of applications).

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

The BCC and the Planning & Zoning Commission conduct 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 rezoning application, the public will be given a chance to comment and the applicant/ representative will be given a chance to rebut, then the Commission/Board 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 rezoning application before the advertised hearing time on the agenda.

The Planning and Zoning Commission and Board of County Commissioners 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

The BCC typically hears rezoning applications on the second Tuesday of the month following the Planning and Zoning Commission's hearing, unless otherwise noted.

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.

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 7: 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 five hundred feet (500') 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 8: 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](http://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 9: Adjournment of Petition**

When a zoning petition is adjourned, 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 the additional notice is necessary. Costs for the additional notice shall be the responsibility of the petitioner. *(BCC Policy 24-01)*

## **SECTION 10. Postponing or Withdrawing Application**

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 250' 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 Board/Planning & Zoning Commission's discretion at the scheduled public hearing. *(BCC Policy 01-01)*

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)

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, 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). 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 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 11: 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](http://www.hernandocounty.us/plan) under the Rezoning Section. Submit one original signed and notarized form plus 8 copies thereof. **The application form must be executed by the property owner(s) and the representative (if applicable). 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).

**1. Applicant’s Request**

- a. Existing Land Uses and their Specific Acreage
- b. Known Activities or Uses On-Site
- c. Proposed Land Uses and their Specific Acreage
- d. Proposed Density Level of Residential Uses
- e. Proposed Square Footage of Development and Building Height(s) of Commercial Uses
- f. A complete list of any current or proposed deviations to the Land Development Regulations. Cite specific code requirements and clarify justification.
- g. If applicable, detailed information on proposed Affordable Housing or Workforce Housing is required\*.

\* Projects proposing Affordable Housing or Workforce Housing must meet the definition of the housing type listed below and include detailed information about the proposed use of said housing. An income chart is available on the Internet under Forms and Applications at [www.hernandocounty.us/plan](http://www.hernandocounty.us/plan) which indicates income limits for the Tampa - St Petersburg - Clearwater MSA area.

***Affordable Housing:***

Monthly rents, or monthly mortgage payments including property taxes and insurance, do not exceed 30 percent of that amount which represents between 50 and 120 percent of the median adjusted gross annual income for the households within the Tampa-St.

Petersburg-Clearwater MSA, divided by 12. Click here for a hyperlink to the chart:

[www.hernandocounty.us/plan/apps/medianincomelimits.pdf](http://www.hernandocounty.us/plan/apps/medianincomelimits.pdf)

***Workforce Housing:***

Monthly rents, or monthly mortgage payments including property taxes and insurance, do not exceed 30 percent of that amount which represents 140 percent of the median adjusted gross annual income for the households within the Tampa-Saint Petersburg-Clearwater MSA, divided by 12.

**2. Site Characteristics**

- a. Site Size (Acres)
- b. Surrounding Zoning and Land Uses
- c. Flood Zone

**3. Environmental Considerations**

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

In order to facilitate your request, 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 Site Plan or Drawing(s)* shown later in this document.)

- a. A description of the concept of the development plan
- b. Proposed Separation distances for the differing land uses within PDP; buffer sizes and separation widths between proposed land uses
- c. Proposed Setbacks and Minimum Sizes for Individual Lots
- d. Impacts on infrastructure
- e. Improvements to the infrastructure
- f. Proposed uses within all the pods
- g. Additional information may be requested depending upon the size, location or complexity of the request.

5. **Water and Sewer Services**

The county subdivision regulations requires the dedication of sewer and water systems to the county, the dedication of sewer and water systems in planned development projects, mobile home parks, recreational vehicle parks, and industrial or commercial 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 needs to be aware of these provisions and needs to 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.

If the County cannot provide service, the developer has the following options:

- a. Request service from the city and provide a letter from the city stating service is available.
- b. Request service from an existing utility. The utility should respond that service is available, acknowledge the fact of county ownership of the new lines, and acknowledge that the county will serve the new development when county lines pass it.

As a second alternative, the existing utility could sell water and/or sewer to the county. The county would then sell to the new development until full county service was available.

- c. The developer could provide on-site facilities with an acknowledgment that the facilities would be dedicated to the county upon demand. In the narrative, the developer should discuss the interim operation of the system.

**Commercial proposals** for single building or single site development with multiple buildings with the same use and owned and managed by the same entity, greater than 65,000 square feet must apply as a planned development project. Please see a planner to discuss process.

**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 time of application submittal. Please contact the Planning Department for additional information. Required tower application information is available online at under the Rezoning Section at [www.hernandocounty.us/plan](http://www.hernandocounty.us/plan).

**E. List and Sketch of Adjacent Property Owners**

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

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

**F. Required Site Plan or Drawing(s)**

- One Original and 15 Copies (Maximum size 11 x 17)
- One Copy 8½ X 11
- One Copy 11 X 17

The site plan or drawing shall at a minimum show:

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. separation distances between land uses;
6. surrounding zoning;
7. surrounding land uses;
8. parcel dimensions;
9. location of flood plain;
10. topographical information; and
11. drainage retention areas.
12. perimeter project setbacks;
13. internal project setbacks;
14. individual lot setbacks;
15. intensity/density of project.
16. 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 first 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 first hearing.

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 sign(s) may result in a delay to the public hearing process.

2. ***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 rezoning 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 (and one-quarter mile 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 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 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. It will also be available on the Internet prior to the hearing at: [www.hernandocounty.us/plan](http://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.

1. The application file is available for public review in the Hernando County Planning Department.
2. The application documentation is available on the Hernando County Planning Department website at [www.hernandocounty.us/plan](http://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 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 requires subsequent conditional plat approval, then "substantial performance" shall mean that the applicant has obtained conditional plat approval during this two year period and the applicant is diligently pursuing the next stage of development approval in accordance with all applicable time frames. 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. Upon obtaining such building permit(s), the master plan shall continue in full force and effect for so long as the required building permit(s) continuously remain valid and current. Should any of these subsequent time frames not be adhered to, or should the required building permit(s) expire, lapse or become void, then the master plan shall be deemed null and void. A master plan that has been deemed null and void under this provision cannot be revived except by the applicant starting the process anew including filing a new application and paying all required fees.

**D. Conversion of Conventional Zoning Amendment to a Planned Development 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 district. Such approval shall be in accordance with the terms and conditions of Article VIII for Planned Development Projects.

The governing body may approve a conventional zoning amendment petition as a planned development project (PDP) rather than a conventional zoning district if the governing body finds that the county would be better served with a planned development project and the applicant has provided a master plan that meets the requirements of the planned development district acceptable to the governing body to support the rezoning for a planned development project, and the planned development project is more restrictive than the district advertised for consideration. If a zoning amendment is approved as a planned development project by the governing body, then the applicant shall be instructed to prepare a revised plan, if applicable, indicating all approved special conditions, if any, and showing all of the appropriate and applicable data and information within thirty (30) days of approval or the rezoning shall become null and void.

**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.