

# HERNANDO COUNTY COMPREHENSIVE PLAN AMENDMENT APPLICATION PROCEDURE

Revised August, 2007

Comprehensive plan amendments are regulated by Chapter 163, Part II, Florida Statutes (F.S.), Rules 9J-5 and 9J-11, Florida Administrative Code (F.A.C.) and Chapter 23 of the Hernando County Code of Ordinances.<sup>1</sup>

## **I. Types of Comprehensive Plan Amendments**

- A. Small-scale amendments involve 10 acres or fewer acres and meet other specific requirements. [§ S.163.3187(1)(c), F.S.] Small-scale amendments are not subject to the twice per year submission limit and may be considered by the County on the regular monthly land use cycle and transmitted to the State for review at any time during the year. [§ 163.3187(1)(c) F.S.] Small scale amendments require one public hearing before the Planning and Zoning Commission and at least one hearing before the Board of the County Commissioners governing board which will be an adoption hearing. [§ 163.3187(3), F.S.] All other amendments are deemed to be large scale amendments.
- B. Large-scale amendments involve more than 10 acres. These amendments may be adopted no more often than two times per year (absent certain limited exceptions). Hernando County holds two transmittal hearings per year. The scheduled transmittal dates are determined by the Board of County Commissioners. Schedules for the twice per year cycles are available from the Planning Department. [§ 163.3187(1), F. S.] The Statutes provide a number of exceptions to the twice per year rule for certain types of amendments. [§ S.163.3187, F.S.] Large scale amendments require one public hearing before the Planning and Zoning Commission and at least two hearings before the Board of the County Commissioners governing board which will be a transmittal hearing and an adoption hearing. [§§ 163.3184, 163.3187(3), F.S.]

## **II. Public Hearing Process and State Review**

- A. Plan Amendment Processes
  - 1. Complete applications for Comprehensive Plan amendments must be submitted to the Planning Department no later than the application deadline for the applicable Planning & Zoning Commission agenda. For the twice per year scheduled cycles, these application deadlines will

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

usually fall in the first week of April and the first week of October. Applications which are incomplete on the filing deadline may be delayed to the next cycle.

2. All requested amendments are reviewed by the Planning Department Staff (Staff), who will prepare a staff report with recommendation to the Planning and Zoning Commission (P&Z).
3. The P&Z will review the proposal in a public hearing and will send a recommendation and comments to the Local Planning Agency/Board of County Commissioners (LPA/BCC). The staff report will be updated at each subsequent stage of the amendment process and transmitted to DCA as part of the packet for both proposed and adopted amendments.
4. Depending upon the size or the complexity of the proposed project or the number of public inquiries generated, a public inquiry workshop may, in the sole discretion of Staff, be necessary prior to the P&Z public hearing and/or the LPA/BCC first public hearing. [See Section IV below].
5. The LPA/BCC will conduct a public hearing to consider transmittal of all requested amendments to the Florida Department of Community Affairs (DCA). [§ 163.3184(3) and (15), F.S. and Chapter 23, Articles I and II, County Code of Ordinances]
  - a. If the LPA/BCC votes to transmit the requested amendment as a proposed amendment (to the County's adopted Comprehensive Plan) to DCA, Staff will transmit the plan amendment to DCA and other affected agencies. [§ 163.3184(3)(b), F.S.] Depending upon the size and complexity of the proposed plan amendment, it may take Staff between five to thirty days to prepare the transmittal package and send it to DCA via U.S. Mail or overnight carrier.
  - b. If the LPA/BCC votes not to transmit the requested amendment, the applicant can continue to attempt to work with Staff to revise the amendment or may seek any appropriate and available legal redress within the time allowed by law (see footnote 1 above).
6. If the LPA/BCC votes to transmit the requested plan amendment, DCA review takes approximately 60 days from their receipt of the proposed plan amendment to issue their Objections, Recommendations and Comments (ORC) Report. [§ 163.3184(6)(c), F.S.]
7. Within 60 days of receiving DCA's ORC Report, the LPA/BCC must conduct a second advertised public hearing, taking into account DCA's objections, recommendations and comments (it is noted that if the

proposed amendment involves a Development of Regional Impact (DRI), the 60 day time period does not apply). The LPA/BCC may vote to adopt the amendment, to not to adopt the plan amendment, or to adopt the amendment with changes. [§ 163.3184(7)(a), F.S.]

- a. If the BCC votes to adopt the amendment or adopt the amendment with changes, the adopted amendment must be transmitted to DCA within 10 working days after adoption. [§ 163.3184(7)(a), F.S.]
  - b. If the BCC votes not to adopt the amendment, the amendment dies. The applicant may seek any appropriate and available legal redress within the time allowed by law (see footnote 1 above).
8. If the LPA/BCC votes to adopt the requested plan amendment, DCA will have 45 days from receipt to review the amendment and determine compliance with statutes, rules, and plans. [§ 163.3184(8)(b), F.S.]
- a. If DCA finds the adopted amendment meets requirements for compliance, the agency will issue a Notice of Intent to find the amendment in compliance. [§ 163.3184(9), F.S.]
  - b. If DCA finds the adopted amendment does not meet requirements for compliance, the agency will issue a Notice of Intent to find the amendment in not in compliance. [§ 163.3184(10), F.S.]
  - c. Once DCA issues a Notice of Intent regarding compliance, then any affected person, as defined by applicable law, may file a petition within twenty one (21) days of issuance of the Notice of Intent appealing the finding of compliance. A plan amendment shall be determined to be in compliance if the determination by the LPA/BCC is “fairly debatable.” [§ 163.3184(9)(a)]
  - d. In the absence of any appeal, the adopted amendment becomes effective upon expiration of the twenty one (21) day appeal period. [§§ 163.3184, 163.3189 F.S.]

#### B. Processing Time

The comprehensive plan amendment process for large scale amendments usually requires about eleven to twelve months to complete, although circumstances may extend the processing time. Small scale amendments (involving ten acres or fewer and meeting other requirements) may be processed more quickly.

A plan amendment may be subject to review by an Administrative Law Judge if DCA issues a Notice of Intent not to find the plan amendment “in compliance” or if an

administrative petition is filed with the State by an affected person appealing the decision. [§§ 163.3184(9)(b), 163.3184(10), F.S.] A review/challenge will generally add three to six months to the total processing time (assuming no additional legal appeals).

### **III. Legal Advertisement Requirements**

The public notice requirements contained in Chapter 163, F.S., are considered the minimum notice requirements [§ 163.3164(18), F.S.] and public participation in the plan amendment process is encouraged to the fullest extent possible [§ 163.3181, F.S.].

#### **A. Newspaper Advertisements.**

1. All public hearings related to amendments to the County's adopted comprehensive plan will be advertised in the local newspaper. Public notice requirements may vary depending on acreage and type of amendment and which hearing is advertised. [§§ 125.66 and 163.3184(15) F.S.]
2. The County will prepare and place legal advertisements, with costs included in applicant fees.
  - a. P&Z Public Hearings. Public notices for Planning & Zoning Commission hearings to consider requested amendments will be run at least ten (10) days prior to the hearing and will be one-quarter page in size and include a geographic location map which clearly indicates the area covered by the requested amendment. [Ten (10) days will be utilized for internal timing consistency in accordance with County procedures and to maintain uniformity with notices for other land use processes. *See* § 125.66, F.S. and County Code, Appendix A, Article V § 5 and Article VI]
  - b. LPA/BCC Public Hearings for Transmittal. Public notices for the LPA/BCC public hearings to consider transmittal of requested plan amendments to DCA will be run at least ten (10) days prior to the hearing and will be one-quarter page in size and include a geographic location map which clearly indicates the area covered by the requested amendment. [§§ 125.66, 163.3164(18), 163.3181 and 163.3184(15)(b)(1), F.S. and County Code Chapter 23, Articles I and II]
  - c. LPA/BCC Public Hearings for Adoption. Public notices for the LPA/BCC public hearings to consider adopting proposed plan amendments will be run at least five (5) days prior to the hearing and will be one-quarter page in size and include a geographic location map which clearly indicates the area covered by the

proposed amendment. [§§ 125.66, 163.3164(18), 163.3181 and 163.3184(15)(b)(2), F.S. and County Code Chapter 23, Articles I and II][§ 163.3184(15)(b)(1) and (2) F.S.]

- B. Posting of Signs. If a requested amendment relates to a specific property, sign posting will be required in the same manner as for rezoning. Sign costs will be included in applicant fees. [See § 125.66, F.S. and County Code, Appendix A, Article V § 5 and Article VI]

#### **IV. Public Inquiry Workshop**

Upon determination of need by Staff based on the number of public inquiries or the size and complexity of the project, the applicant may be required to conduct a Public Inquiry Workshop prior to the LPA/BCC public hearing. Notice for the Workshop is the responsibility of the applicant. The following notice requirements apply:

- A. A notice of a Public Inquiry Workshop sign will be displayed on-site. For projects greater than one acre in size the sign will be 4' x 4'. For projects one acre or smaller, the sign will be 24" x 24". Signs are available from the Planning Department for the applicable fee.
- B. Written notice of the Public Inquiry Workshop shall be mailed by regular mail to the owners of all properties within 250' of the subject property. The list of property owners notified shall, at a minimum, include all property owners for whom notice of public hearing is required, and may include additional property owners and entities of the applicant's choosing. The format for the notice will be provided by the County. The applicant is responsible for the mailing and postage.
- C. At the Public Inquiry Workshop, the applicant shall provide a Citizen Sign-in Sheet to serve as a record of workshop attendance. The format for the sign-in sheet will be provided by the County. The Citizen Sign-in Sheet shall be submitted to the County, and will become part of the official application file
- D. For documentation of the Public Inquiry Workshop, the petitioner must provide a notarized affidavit indicating that the signs were posted, the letters were mailed, and that the Citizen Sign-in sheet is the actual record reflecting the attendance at the meeting. The format for the affidavit will be provided by the Planning Department.

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

A pre-application conference with Planning Department Staff is required at least 30 days before the submission deadline for the amendment. Applicants are further encouraged to informally submit application materials for informal review by staff to evaluate

completeness in the 30 days prior to the cycle application deadlines. Applications which are incomplete on the filing deadline will typically be delayed to the next cycle.

## **VI. Submission Requirements for Plan Amendments**

- A. All applications for comprehensive plan amendments must include certain materials and information required by State statutes, rules, and local policies. [§ 163.3184, 163.3189, F.S. and Rule Chapter 9J-5, F.A.C.] This information will be reviewed by the County and included in the amendment package for proposed amendments transmitted to DCA (if approved for transmittal by the LPA/BCC). Additionally, the applicant will be required to complete the County's application forms, pay the required fees, and submit any other materials the County deems necessary for its review.
- B. Applications must be submitted in the following format:
1. Text pages and other documents must be 8.5 by 11 inches;
  2. Maps must be 11 by 14 inches; and,
  3. All documents must be unbound (not stapled or secured in binders) with sets secured with rubber bands, spring clips or similar easily removable constraints.
- C. The submission package must contain one (1) original and, at a minimum, thirty (30) copies of the following materials and information. These copies will be utilized for review by county staff and other agencies, and by the Planning & Zoning Commission. Additional copies of maps and other documents may be needed for review by the LPA/BCC.
1. Completed application form duly signed by the applicant and by the property owner (if the property owner is different than the applicant).
  2. A statement as to whether the requested amendment is one of the exemptions to the twice per calendar year limitation on the adoption of comprehensive plan amendments and the facts and circumstances which cause the amendment to be considered as one of the exemptions as defined by Rule 9J-11, F.A.C.
  3. A narrative describing the requested amendment.
  4. Data and analysis to support the requested plan amendment. The data and analysis should demonstrate how and why the requested amendment is consistent with the adopted *Hernando County's Comprehensive Plan* and how it will further the goals and objectives of the Plan. In addition, the

data and analysis should establish consistency with Chapter 163, Part II, F.S., Rule Chapters 9J-5 and 9J-11, F.A.C., the State Comprehensive Plan, and the Withlacoochee Regional Planning Council's Strategic Regional Policy Plan.

5. Requested text change(s) must appear in underline and strikethrough format.
6. Maps, graphics, or diagrams, if needed, to depict existing and requested land uses, conditions, locations, or other information. If the requested amendment(s) includes changes to the Future Land Use Map, the following information must be included:
  - a. The requested future land use designation of the subject property, the boundary of the subject property, and its location in relation to the surrounding street and thoroughfare network, and
  - b. The present future land use map designation of the subject property and other properties in the vicinity.
  - c. The size of the subject property in acres or fractions thereof.
7. A description of the availability of, and the demand on, the following public facilities: sanitary sewer, solid waste, drainage, potable water, multi modal transportation, police and fire protection, schools, and recreation, as appropriate.
8. Information regarding the compatibility of the requested land use amendments with the land use element objectives and policies, and those of other affected elements.
9. If a requested amendment relates to specific property, 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.
10. Application fees for plan amendment application review shall be paid by cash or check drawn to the order of Hernando County Planning Department. Please contact the Planning Department for current fees.

**VII. Questions and Further Information**

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

# HERNANDO COUNTY COMPREHENSIVE PLAN AMENDMENT PETITION

## Application for Public Hearing

Date: \_\_\_\_\_

Print or Type all information. Refer to instruction sheets for assistance or call the Planning Department at the number on the instruction sheet.

<b>APPLICANT:</b>		
Mailing Address: _____		
Daytime Phone: _____	FAX No.: _____	E-Mail Address: _____
<b>REPRESENTATIVE:</b>		
Mailing Address: _____		
Daytime Phone: _____	FAX No.: _____	E-Mail Address: _____
<b>PUBLIC CONTACT PERSON:</b>		
Daytime Phone: _____	FAX No.: _____	E-Mail Address: _____
<b>Will Expert Witness be utilized during the public hearings?</b>		
<b>Will additional time will be required during the public hearing and how much?</b>		
<b>Legal Description:</b> Write below the complete legal description of the property. Include Section, Township and Range; and if applicable, Subdivision Name, Lot, Block, and Unit Number. Attach additional sheet if necessary.		
SEC _____ TWP _____ (S) RANGE _____ (E)		
<b>Size of Area Covered by Application:</b>		
<b>Highway &amp; Street Boundaries:</b>		
<b>Future Lane Use Map Classification (if applicable):</b>		
<b>Desired Map Classification:</b>		
<b>Type of Amendment Requested:</b>		
<b>ACKNOWLEDGMENT</b>		
This acknowledgment must be signed in the presence of a Notary Public.		
I, _____, hereby state and affirm that I have read the instructions for filing this application and that:		
<input type="checkbox"/> I am the owner of the property covered under this application. <input type="checkbox"/> I am the legal representative of the owner or lessee of the property described, which is the subject matter of the application.		
All answers to the questions in said application, all sketches and data attached to and made part of this application are honest and true to the best of my knowledge and belief.		
		_____ Signature of Applicant or Representative
STATE OF FLORIDA _____	COUNTY OF HERNANDO _____	
On this the _____ day of _____, 20_____, before me, the undersigned Notary Public of the State of Florida, personally appeared _____ and whose name(s) is/are subscribed to the within instrument, and acknowledge that he/she/they executed it.		
WITNESS my hand and official seal.		NOTARY SEAL & COMMISSION EXPIRATION:
_____ Notary Signature		
The individual(s) are <input type="checkbox"/> personally known to me or, <input type="checkbox"/> presented the following identification: _____.		

# HERNANDO COUNTY COMPREHENSIVE PLAN AMENDMENT PETITION

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Daytime Phone: _____	FAX No.: _____	E-Mail Address: _____
<b>REPRESENTATIVE:</b>		
Mailing Address: _____		
Daytime Phone: _____	FAX No.: _____	E-Mail Address: _____
<b>PUBLIC CONTACT PERSON:</b>		
Daytime Phone: _____	FAX No.: _____	E-Mail Address: _____
<b>Will Expert Witness be utilized during the public hearings?</b>		
<b>Will additional time will be required during the public hearing and how much?</b>		
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All answers to the questions in said application, all sketches and data attached to and made part of this application are honest and true to the best of my knowledge and belief.		
		_____ Signature of Applicant or Representative
STATE OF FLORIDA _____	COUNTY OF HERNANDO _____	
On this the _____ day of _____, 20_____, before me, the undersigned Notary Public of the State of Florida, personally appeared _____ and whose name(s) is/are subscribed to the within instrument, and acknowledge that he/she/they executed it.		
WITNESS my hand and official seal.		NOTARY SEAL & COMMISSION EXPIRATION:
_____ Notary Signature		
The individual(s) are <input type="checkbox"/> personally known to me or, <input type="checkbox"/> presented the following identification: _____.		

**COMPREHENSIVE PLAN AMENDMENTS**

**Comprehensive Plan Amendments (Small Scale - Map Only)**

- A. Planning Base Fee
- B. Public Notification Fee

A.	\$1,000.00
B.	\$220.00
<b>Total Fee (A+B)</b>	<b>\$1,220.00</b>

**Comprehensive Plan Amendments (Large Scale Text Amendment)**

- A. Planning Base Fee
- B. Public Notification Fee for Site Specific Applications (See Rates Below)
  - for Applications < 10 acres = \$285
  - for Applications 10 - 100 acres = \$315
  - for Applications > 100 acres = \$380

A.	\$2,500.00
B.	
<b>Total Fee (A+B)</b>	

**Comprehensive Plan Amendments (Large Scale Map Amendment)**

- A. Planning Base Fee
- B. Public Notification Fee for Site Specific Applications (See Rates Below)
  - for Applications < 10 acres = \$285
  - for Applications 10 - 100 acres = \$315
  - for Applications > 100 acres = \$380

A.	\$3,000.00
B.	
<b>Total Fee (A+B)</b>	

The Planning Department reserves 3% from collected engineering review fees as an administrative processing fee.  
No refunds of fees are eligible after advertising has occurred; a 75% refund is eligible prior to advertising.