



Process Guidelines and Public Notice Requirements

Planning and Zoning Application Process Overview:

The process you will be required to follow depends on the type of application you are filing. Below is a brief overview of the process per type of application.

Administrative (660') Boundary Adjustment. Once a complete application is submitted, the information will be reviewed by appropriate departmental staff. A determination is made administratively regarding the request. The application does not go through the public hearing process. A determination letter will be sent to you stating if the boundary adjustment has been approved, denied, or approved with conditions. This process can take up to three (3) weeks to complete.

Comprehensive Plan Amendment - Small Scale. Once a complete application is submitted and accepted, the application will be scheduled for public hearing before the Planning and Land Development Regulation Commission (PLDRC). The PLDRC will make a recommendation to approve or deny the application. The application and the PLDRC's recommendations are then submitted to the Volusia Growth Management Commission (VGMC) for consistency determination. Once VGMC has issued its consistency determination, the application will be scheduled for a public hearing before the County Council. The Council will take action to approve or deny the application. If denied, the application is concluded and no further action will be taken. If the application is approved, it will be sent to the Florida Department of Economic Opportunity (DEO) for review. A Small scale amendment becomes effective thirty-one (31) days after adoption if no challenge is filed with the DEO. This process may take up to six (6) months to complete.

Comprehensive Plan Amendment - Large Scale. Once a complete application is submitted and accepted, the application will be scheduled for public hearing before the Planning and Land Development Regulation Commission (PLDRC). The PLDRC will make a recommendation to approve or deny the application. The application and the PLDRC's recommendations are concurrently submitted to the Volusia Growth Management Commission (VGMC) for consistency determination, and the Volusia County Council for the first of two public hearings.

At the first County Council public hearing, the Council will take action to approve or deny the application for transmittal to the Florida Department of Economic Opportunity (DEO) State Land Planning Agency. If denied, the application is concluded and no further action will be taken. If approved, the application and supporting documentation is sent to the DEO for review. The DEO then coordinates state agency review and issues an Objection, Recommendations and Comments Report (ORC) on the review findings. Once the VGMC has issued a consistency determination and any issues raised by the DEO's ORC have been satisfactorily addressed, the application will be scheduled for the second County Council public hearing. The Council will take final action to approve or deny the application. If denied, the application is concluded and no further action will be taken. If the application is approved, it will again be sent to the DEO. A large scale amendment becomes effective thirty-one (31) days after adoption if no challenge is filed with the DEO. This process may take more than six (6) months to complete.

Rezoning. Once a complete application is submitted and accepted, the application will be scheduled for public hearing before the Planning and Land Development Regulation Commission (PLDRC). The PLDRC will make a recommendation to approve or deny the application. The application is then scheduled for a public hearing before the County Council. The Council will take action to approve or deny the application. If denied, the application is concluded and no further action will be taken. If the application is approved, it becomes effective immediately.

Special Exception. Once a complete application is submitted and accepted, the application will be scheduled for public hearing before the Planning and Land Development Regulation Commission (PLDRC). The PLDRC will make a recommendation to deny, approve, or approve the application with conditions. The application is then scheduled for a public hearing before the County Council. The Council will take action deny, approve, or approve the application with conditions. If denied, the application is concluded and no further action will be taken. If the application is approved, it becomes effective immediately, unless conditioned otherwise.

Variance. Once a complete application is submitted and accepted, the application will be scheduled for public hearing before the Planning and Land Development Regulation Commission (PLDRC). The PLDRC will take action to deny, approve, or approve the application with conditions. If denied, the application is concluded and no further action will be taken. If the application is approved, it becomes effective immediately unless conditioned otherwise.

Appeals/Requests for Rehearing. A final determination on any of the above described applications may be appealed, or a rehearing requested, by the applicant or any aggrieved party to said application. A Rehearing and Appeal Application form must be filed with the county no later than 10 working days following the rendition of the determination. If an aggrieved party wishes to appeal or request a rehearing of a determination it is suggested they contact staff for specific requirements per application type.

Public Hearings:

Planning and Land Development Regulation Commission Public Hearing. The PLDRC is an advisory board consisting of seven (7) members appointed by the Volusia County Council. PLDRC public hearings are held the third Thursday of every month, at 9:00 a.m. in the County Council Chambers on the second floor of the Thomas C. Kelly Administration Center, 123 West Indiana Avenue, Room 204, DeLand. Following the public hearing and discussion of each application, the PLDRC shall vote on its recommendation to the County Council. They may accept, modify, return, or seek additional information. An application will not be heard by the PLDRC unless the Due Public Notification requirements described below have been satisfied.

County Council Public Hearing. The County Council consists of seven (7) members. County Council public hearings are held on the first and third Tuesdays of every month, beginning at 10:00 a.m., in the County Council Chambers on the second floor of the Thomas C. Kelly Administration Center, 123 West Indiana Avenue, Room 204, DeLand. At this public hearing, the County Council may vote to approve, deny, or continue an application to a future public hearing date. Applications will not be heard by the County Council unless the Due Public Notification requirements described below have been satisfied.

ANY NEW INFORMATION TO BE PRESENTED AT THE COUNTY COUNCIL MEETING THAT WAS NOT PREVIOUSLY PRESENTED TO THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION FOR ANY APPLICATION WILL BE GROUNDS TO RETURN AN APPLICATION TO THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION FOR FURTHER REVIEW. APPLICANTS SHALL INFORM AND PROVIDE STAFF WITH THE NEW INFORMATION PRIOR TO THE COUNCIL MEETING.

Deadlines for Public Hearing Applications:

The deadline to submit applications to the Volusia County Growth and Resource Management Department (Planning and Development Services) is the last Wednesday of every month.

The county has three (3) working days from the date you submit your application to determine if it is complete. If your application is found to be lacking any of the requested information, or if the data and exhibits are inaccurate, it will not be considered "filed" for the purpose of processing, nor will it be placed on the PLDRC agenda unless a correct application is submitted within three (3) working days after the filing deadline date.

Public Notice Requirements:

Each application is required to meet certain public notice requirements prior to being heard at a public hearing. The types of general notice requirements are listed below. The applicant shall be responsible for mail notices and property posting as outlined in the section that follows. In all cases that require public hearing, proof of compliance with the required publication, mailing, and posting of the notices shall be presented at the hearing.

Newspaper Publication. Notice of public hearing shall be published in a newspaper of general circulation in the area. The notice shall contain the following information: date, time, place and purpose, place or places within the county where the public may inspect the change, and that interested parties may appear at the meeting and be heard with respect to the proposed change. The newspaper publication shall follow the form provided in Sec. 125.66 (4), F.S. County staff will coordinate newspaper publication.

Mail Notice. Notices that set forth the time, date, place and purpose of the public hearing shall be sent to adjacent property owners by certified or registered mail. In the case of an intervening easement or right-of-way, the term "adjacent property" shall mean the property adjoining the property involved in the request, which is not owned or leased by the owner. A copy of said notice shall be kept available for public inspection during regular business hours in the office of the zoning enforcement official. The county staff will prepare the mail notice for the applicant. It is the applicant's responsibility to ensure that it is timely mailed to adjacent property owners.

Property Posting. The property shall be posted with a notice provided by the zoning enforcement official in a conspicuous place or places on or around such lot, parcel or tract of land as may be involved in the hearing. Said posted notice should remain in place until final public hearing. County staff shall prepare the poster for the applicant. It is the applicant's responsibility to ensure that it is properly posted on the subject site.

Applicant's Instructions for Public Notice Requirements:

Two weeks before public hearing:

Step 1: County staff will prepare an orange poster that you must post in a visible location on the subject property. You will be notified by phone and/or email when the poster is available to be picked up. County staff will also prepare a letter that you will need to mail to your adjacent property owners informing them of your application and the public hearing date(s). The letter and list of addresses you will need for your mail-out will be sent to you via email. The poster can be picked up at the Thomas C. Kelly Administration Center located at 123 West Indiana Avenue, Room 202, DeLand, Florida

Step 2: Fill out the remainder of the letter provided by the County (name, address and phone number). Make copies of the letter to mail to the adjacent property owners (see step 1, above). Make two additional copies of the completed letter, one for your own file, the other to be provided to the County.

Ten days before public hearing (or earlier):

Step 3: Erect the orange poster on the subject property. The poster must be visible to the traveling public. If your property does not have road access, the poster must be placed at the entrance to the nearest road. Place one sign for each road frontage (the County will provide additional signs if necessary). Do not nail the poster to trees or utility poles, and do not place the poster on any ocean dunes. The stakes used for real estate signs that are available at your local hardware store are sufficient. The poster must be placed ten days prior to the hearing, and must remain in place until final action is taken on the application. If the poster is stolen or destroyed, notify County staff immediately and a new poster(s) will be issued. If the poster is knocked down, upright the poster and notify County staff about any time periods that the poster may not have been visible to the public. The poster must remain in place during the entire public hearing process. County staff suggests that once the poster is erected, that a photo with date stamp is taken as proof of compliance.

Step 4: Send the letter via **certified mail (or registered mail for out of country recipients)** to all adjacent property owners. The letters must be post marked at least ten days prior to the first public hearing or else your case cannot be heard.

One week before public hearing:

Step 5: On the "Affidavit of Compliance with Public Notification" Form, fill out all the names of the property owners, their tax parcel numbers, and write in the certified mail receipt number in the spaces provided, or adhere the certified mail sticker in the spaces. The form must be signed and notarized. A notary public is available at the County Planning & Development Services office. This form must be returned to County staff one week prior to the first public hearing with the certified mail receipts.

**AFFIDAVIT OF COMPLIANCE WITH PUBLIC NOTICE REQUIREMENTS OF ZONING
ORDINANCE OF VOLUSIA COUNTY, FLORIDA**

I, the undersigned hereby certify that I have mailed by Certified Mail (Registered Mail for out of the country), at least **ten (10) days** prior to the date of the public hearing, as required by the Volusia County Zoning Ordinance, to the following named property owners whose property adjoins [including across any street(s)] and which is not owned or leased by the applicant and/or owner, that property which is the subject of an application, for a public hearing pursuant to the Zoning Ordinance of Volusia County, Florida, a notice containing the time, date, and purpose of the public hearing and the legal description of the subject property, said notice being on a form supplied by the Volusia County Planning & Development Services Division.

CERTIFIED MAIL POSTMARKED RECEIPTS AND A COPY OF THE NOTICE ARE
ATTACHED

Further, I have erected, or caused to be erected, at least **ten (10) days** prior to the date of the public hearing, as required by the Volusia County Zoning Ordinance, the Public Hearing Notice Poster also supplied by the Volusia County Planning & Development Services Division. **Said poster is to remain in place until after the public hearing(s) have been held and will be removed after final action.** Said poster was erected on (MM/DD/YYYY), in view of and accessible to the traveling public.

**NOTE: Volusia County Zoning Ordinance Section 72-298(2)
prohibits signs mounted on trees or utility poles.**

The names and addresses of the following adjoining property owners were obtained on _____ (MM/DD/YYYY) from check one:

- ___ the Volusia County Property Appraiser's office,
 - ___ the Volusia County GIS Mapping Program, or
 - ___ the Volusia County Planning & Development Services Division.
- (Please provide list if obtained by the Volusia County Property Appraiser's office)*

THIS COMPLETED FORM, ONE COPY OF THE CERTIFIED LETTER, AND THE POSTMARKED CERTIFIED RECEIPTS MUST BE RECEIVED BY THIS OFFICE **ONE WEEK PRIOR TO THE HEARING.**

<u>Name</u>	<u>Tax Parcel No. (12 digits) Alt Key (7 digits)</u>	<u>Certified Mail Receipt No.</u>

(Use Additional Pages if Necessary)

Our policy is to recommend that cases be continued as a matter of course by the PLDRC unless an Affidavit of Compliance has been submitted one week before the PLDRC meeting in order to be heard on the scheduled date.

ADJACENT PROPERTY OWNERS THAT ARE LISTED AS CONFIDENTIAL ON THE CURRENT TAX ROLL MUST BE NOTIFIED BY PROVIDING THE CERTIFIED MAIL TO THE DELAND PROPERTY APPRAISER'S OFFICE.

CASE NUMBER: _____ **HEARING DATE:** _____

Signature _____

Typed or Printed Name _____

Address _____

Parcel Number(s): _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ by
(DATE)

_____, who is/has ___ personally known or ___ provided
(NAME OF PERSON)
identification and who did not take an oath. Type of Identification Provided _____.

NOTARY PUBLIC, STATE OF FLORIDA

MAILING ADDRESS:

County of Volusia
Growth & Resource Management
Planning & Development Services
Planning Activity
123 West Indiana Avenue, Room 202
DeLand, Florida 32720-4604

Type or Print Name: _____

Commission No.: _____

My Commission Expires: _____