



# Process Guidelines and Public Notice Requirements

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## **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 requires a verified wetlands delineation.

**Comprehensive Plan Amendment - Small Scale (<50 acres).** Once a complete application is reviewed, 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 submitted to the Volusia Growth Management Commission (VGMC) for consistency determination, and 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 Commerce (FL Commerce) for review. A Small-scale amendment becomes effective thirty-one (31) days after adoption if no challenge is filed with FL Commerce. This process may take up to six (6) months to complete.

**Comprehensive Plan Amendment - Large Scale (>50 acres).** Once a complete application is reviewed, 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 Florida Commerce. If denied, the application is concluded, and no further action will be taken. If approved, the application and supporting documentation are sent to FL Commerce, who coordinates with the other affected agencies. After the county receives response letters from FL Commerce and VGMC, the application will be scheduled for the second County Council 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 FL Commerce. A large-scale amendment becomes effective thirty-one (31) days after adoption if no challenge is filed. This process may take more than six (6) months to complete.

**Rezoning.** Once a complete application is reviewed, 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, the rezoning becomes effective immediately.

**Special Exception.** Once a complete application is reviewed, 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 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.

**Variance.** Once a complete application is reviewed, 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.

### **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, continue, or seek additional information. An application will not be heard by the PLDRC unless the Due Public Notification requirements have been met.

**County Council Public Hearing.** The County Council consists of seven (7) members. County Council public hearings are held on the first Tuesday of every month, beginning at 9:00am and the third Tuesday of every month at 4:30 pm 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 have been met.

### **Deadlines for Public Hearing Applications:**

The deadline to submit VARIANCE applications to the Planning and Development Services Division is the last Wednesday of every month. Applications filed before the deadline will be scheduled for the next available public hearing. Rezoning, Special Exceptions, and Comprehensive Plan Amendments are accepted throughout the month and will be scheduled for a hearing when the review and analysis are completed.

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 required information, or if the data and exhibits are inaccurate, it will not be considered "filed" for the purpose of processing.

### **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 provided to the county prior to the public hearing date.

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. 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, including across the street, by certified or registered mail. The county staff will prepare the mail notice for the applicant. It is the applicant's responsibility to ensure that it is mailed to adjacent property owners in a timely manner.

Property Posting. The property shall be posted with a notice in a conspicuous place on the subject property. The posted notice should remain in place until the final public hearing. County staff will 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 you will need for your mail-out will be sent to you via email. The list of addresses are available at the Property Appraisers office. 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:** 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 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. 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 the case will be continued to the next available hearing date.

### **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 with the certified receipts prior to the first public hearing.

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, to all adjacent property owners [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, a notice containing the time, date, and purpose of the public hearing and the legal description of the subject property, on a form supplied by the Volusia County Planning & Development Services Division.

Further, I have posted, 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.

The names and addresses of the following adjacent property owners were obtained on \_\_\_\_\_ (MM/DD/YYYY) from \_\_\_\_\_.

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

**CONFIDENTIAL OWNERS SHAL BE NOTIFIED BY THE PROPERTY APPRAISER'S OFFICE UPON RECEIPT OF A NOTICE TO ADJACNET OWNERS LETTER FROM THE APPLICANT.**

**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

Type or Print Name: \_\_\_\_\_

Commission No.: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**MAILING ADDRESS:**

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