

1 **Sec. 3-9-10. Amendments**

- 2 (a) *Generally.* This Chapter and the Official Zoning Atlas may, from time to time, be amended or
3 repealed as provided in this Section.
- 4 (b) *Initiation of proposals for amendments.* An amendment to this Chapter or the Zoning Atlas may be
5 proposed by anyone with a legal interest in the property or this Chapter; however, an applicant who
6 is not the owner of the subject property shall be required to present evidence of legal authority from
7 the owner to submit an application.
- 8 (c) *Written petition.* Applications for rezoning shall be obtained from and filed with the appropriate
9 County Department and shall be accompanied by the applicable fee to be established by resolution
10 of the BCC. No application for zoning amendment shall be heard by the P&Z Board until such fees
11 and charges have been paid by the petitioner or waived by the BCC. The Department Director or
12 his/her designee shall review the application for sufficiency and completeness. If additional
13 information is required, the Department Director or his/her designee shall advise the applicant within
14 ten working days after receipt of the application. Upon finding the application to be correct and
15 complete, it shall be scheduled for a public hearing before the P&Z Board at the next available
16 meeting. The Department Director or his/her designee shall also review the application for
17 consistency with the Comprehensive Plan and the applicable land development regulations used to
18 implement the Comprehensive Plan. Should any conflict exist as a result of the consistency review,
19 the applicant shall be advised of such at least five days prior to the P&Z Board meeting at which the
20 application is scheduled to be heard. At a minimum, applications for rezoning shall include the
21 following:
- 22 (1) A certified survey of the property to be rezoned.
- 23 (2) A legal description of the entire property to be rezoned, including the size of the parcel involved.
- 24 (3) A narrative stating the applicant's justification for the rezoning request based upon the
25 standards for approval of such a rezoning request set forth in subsection (h)(1).
- 26 (d) *Published Notice.* No request for a zoning amendment may be considered by the P&Z Board until
27 such time as notice of a public hearing on the proposed amendment has been given by publication in
28 a newspaper of general circulation in the county at least 15 calendar days in advance of the public
29 hearing.
- 30 (e) *Mailed Notice.*
- 31 (1) The County shall notify the owner of each property located within 200 feet of the subject
32 property via first-class mail sent to the last address listed for each owner in the County Property
33 Appraiser records except as provided herein.
- 34 (2) The notice shall be mailed at least ten days prior to the date of the P&Z public hearing and at
35 least 30 days prior to the date of each BCC public hearing.
- 36 (3) Mailed notice under this Section shall not be required if a rezoning directly affects more than 50
37 properties owned by a total of at least 50 different property owners, and the County elects to
38 publish notice of the hearing as provided for in this Code.
- 39 (4) Failure to receive a mailed notice shall not invalidate the proceedings.
- 40 (f) *Posted Notice.* The County shall post notice at the subject property not less than ten days prior to
41 the public hearing at which the application will be heard. The notice shall contain the time, date and
42 place of the public hearing and shall state the action being considered. The notice shall be posted on
43 the subject property or at a point visible from the nearest public street.
- 44 (g) *Constructive Notice.* Minor defects in notice shall not impair the notice or invalidate proceedings if a
45 good faith attempt has been made to comply with applicable notice requirements.

Land Development Regulations
Chapter 3-9. Zoning
Article I. In General

Sec. 3-9-10. Amendments

- 1 (h) *Standards for approval.*
- 2 (1) For the rezoning of land, the recommendations of the P&Z Board and decision of the Board of
- 3 County Commissioners shall be made after giving due consideration to:
- 4 a. Whether the proposed change is consistent with the Comprehensive Plan;
- 5 b. The existing land use pattern in adjacent areas;
- 6 c. The capacity of public facilities and services, including but not limited to schools, roads,
- 7 recreational facilities, wastewater treatment, water supply, and stormwater drainage
- 8 facilities;
- 9 d. Whether the proposed change will adversely influence living conditions or property values
- 10 in adjacent areas;
- 11 e. Whether the proposed change will affect public safety;
- 12 f. Whether current conditions make the proposed amendment appropriate;
- 13 g. Whether there are substantial reasons why the existing zoning should be retained.
- 14 (2) When pertaining to other proposed amendments of these zoning regulations, the P&Z Board
- 15 shall consider:
- 16 a. The need and justification for the proposed change; and
- 17 b. The relationship of the proposed amendment to the comprehensive plan.
- 18 (i) *Board of County Commissioners action on P&Z Board recommendations.* Upon receipt of the P&Z
- 19 Board recommendations, the BCC shall hold a second public hearing with notice to be given as
- 20 required by law (Section 125.66 F.S.) and by subsections (d), (e), and (f) above.
- 21 (j) *Notice of Decision.* Written notice of decision shall be sent to the applicant and a copy shall be
- 22 placed on file with the County within ten business days of a decision being rendered, where it shall
- 23 be available for public inspection during regular office hours. A copy of the ordinance adopting the
- 24 change shall be sent to the applicant after the ordinance is recorded by the County Clerk.
- 25 (k) *Withdrawal of Application.* An applicant or legally appointed representative may request the
- 26 withdrawal of a previously submitted application at any time. A request to withdraw an application
- 27 shall be provided in writing to the Zoning Official unless the applicant requests such withdrawal on
- 28 the record at a scheduled public hearing. A written request shall be signed by all persons who
- 29 signed the application or by a legally appointed representative. The Zoning Official may authorize a
- 30 refund of all or part of the application fee if an application is withdrawn more than four weeks prior to
- 31 the first scheduled public hearing. If a request to withdraw an application is made less than four
- 32 weeks prior to the first scheduled public hearing, then no part of the application fee shall be
- 33 refunded.
- 34 (l) *Postponement of Scheduled Public Hearings by Applicant(s).* An applicant may request
- 35 postponement of a scheduled public hearing to any one of the next four scheduled public meeting
- 36 dates of the presiding Board provided that such date is available. A request to postpone the
- 37 scheduled public hearing must be made in writing and must be received by the Zoning Official at
- 38 least 15 calendar days prior to the scheduled public hearing. The request shall be signed by all
- 39 persons who signed the application or by a legally appointed representative. The Zoning Official
- 40 shall remove the application from the agenda and mail notice of such change to all property owners
- 41 included in the original mailing. The notice of change shall indicate the application's postponement of
- 42 public hearing and shall include the date and time of the rescheduled public hearing if such
- 43 information is available. If the date and time of the rescheduled public hearing is not available at the
- 44 time of this mailing, a separate notice of public hearing shall be mailed in accordance with the
- 45 requirements of subsection (e) above. The applicant shall pay the cost of all additional published and
- 46 mailed notices if such notices are required.

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