

HOW TO BE HEARD ON REZONING

Zoning is a complicated process, but this brochure is designed to tell you how to be a part of the process. First of all, the most effective ways for you to be informed about zoning are:

1) **Monitor** the meetings of the Hillsborough County City-County Planning Commission which develops and maintains Comprehensive Plans for the County. No application for rezoning can be recommended for approval unless it is in compliance with the Plan.

Look at the web site: www.theplanningcommission.org/hillsborough/ and watch your newspaper or phone (813) 272-5940 to get a calendar of meetings about the Planning Commission.

2) **Register** your civic or neighborhood organization to receive a notice to be mailed within 30 days prior to the hearing of any application for change in the planned use of any property within a mile of the organization's boundaries.

To get information about qualifying and registering an organization for notice, contact the Hillsborough County Office of Neighborhood Relations at:

- www.hillsboroughcounty.org/onr/ (click "Applications/Forms" then "Registry of Neighborhood Organizations and Civic Associations Information Packet")
- County Center, 601 E. Kennedy Blvd., 13th floor, Tampa 33602
- Or call (813) 272-5860.

3) **Learn** about Community-Based Planning which is also on the Office of Neighborhood Relations website.

4) **Be alert** for notices in your area. An applicant for rezoning must place signs near the involved property announcing the date/time/place of the hearing for rezoning and mail a notice to: a) residences within 300 feet or 500 feet of the property depending on the Future Land Use Designation, and b) registered organizations within 1 mile.

Being informed about the zoning process is important since you have only 38-70 days, assuming notice is timely received, to organize a presentation to the zoning hearing described below.

NOTE: Once a rezoning application is filed, you cannot talk or write to any County Commissioner about that application.

Notice & Timeline for Zoning Hearings

Notices provide the date, time, and place of a public hearing which is scheduled within 60-90 calendar days after the application filing date.

Notices should also provide a phone number and instructions on how you can express yourself in favor of or opposing the rezoning by phone, letter and/or appearance at the public hearing.

A Land Use Hearing Officer (LUHO, also referred to as a Zoning Hearing Master) conducts the public hearing.

Participating In The Public Hearing

Written documentary evidence can be submitted up until two days before the zoning hearing which anyone can attend.

There are **time limits**, so all speakers (for or against) must be organized because they have only 15 minutes to speak.

Participants at the public hearing include the applicant, County agencies, proponents and opponents, including the public, and witnesses with relevant testimony.

The **order and time limits** for testimony on an application are as follows:

- Proposal by applicant and witnesses: 15 minutes (total for all speakers)
- County staff findings: 5 minutes
- Planning Commission findings of compliance or noncompliance: 5 minutes
- Proponents: 15 minutes (total for all speakers)
- Opponents: 15 minutes (total for all speakers)
- Staff-amended recommendations, if any: 5 minutes
- Applicant rebuttal and summation: 5 minutes

The Land Use Hearing Officer may grant additional time for "good cause shown," and may call and question any witness deemed "necessary and appropriate."

Evidence that is irrelevant, immaterial or repetitious will be excluded. All testimony is under oath. Hearsay is admissible to supplement or explain other evidence, but is not sufficient in itself to support a finding.

After the hearing, the Hearing Officer has 15 working days to file a rezoning recommendation to the Board of County Commissioners (BOCC) based upon information presented before or at the public hearing.

A copy of the recommendation can be obtained by request, with a self-addressed, stamped envelope, to:

Clerk of the BOCC
12th Floor, County Center
601 E. Kennedy Blvd.
Tampa FL 33602.

County Commissioners make the final rezoning decision at a public "land use" meeting considering the application, the record of the public hearing and the recommendation of the Hearing Officer.

Participating In The County Commission Hearing

Anyone may attend the hearing.

Only evidence submitted before or during the zoning hearing will be allowed. The only exceptions are for evidence that could not have been discovered before the Land Use Hearing Officer hearing, or the witness could not appear for reasons beyond his/her control. Such evidence has to be submitted to the Clerk within 10 days of the Hearing Officer's recommendation, with the reason for not submitting it at or before the hearing.

Evidence has to be submitted on forms which are available from the Clerk. If the BOCC allows the evidence, the matter must be remanded to the Hearing Officer.

County Commissioners do not have to allow testimony at their hearing. If they do, only Parties of Record who have filed a timely Request for Oral Argument are allowed to speak to the BOCC at their hearing.

A Party of Record is:

- A person who was present at the hearing before the Hearing Officer and presented either oral or written evidence.
- A person who was notified by mail by the applicant of the hearing, except that area-wide civic associations are not automatically parties of record just because they received a notice.
- A person who submitted documentary evidence for the file at least two business days before the hearing, or by proxy during the hearing.

If you qualify as a Party of Record and wish to speak at the County Commission hearing on the rezoning, you must file a Request for Oral Argument at the Records Office of the Clerk of the BOCC, on the 12th floor of the County Center, within 10 calendar days after the Zoning Hearing Officer recommendation is filed.

The Clerk will notify you by mail of the date and time of the BOCC hearing.

The BOCC does not have to hear oral arguments at their hearing if they choose not to. If they do grant your request, your testimony must be the same as that you gave at the rezoning hearing or submitted in writing. If the BOCC permits oral argument, the order and time allotments will be the same as those for the Land Use Hearing Officer hearing.

Variations & Adjustments

Another process that utilizes the Land Use Hearing Officer is a process to grant a variance or make adjustments to what is allowed on a piece of property without changing its zoning category.

This process includes a public hearing, but the Land Use Hearing Officer makes the final decision without having to send it to the Board of County Commissioners. The notice procedures are the same as for someone applying for a rezoning. The procedures at the public hearing are also the same as described above for the rezoning.

Where To Get Help Or More Information

- County libraries have a **Video** named “Hillsborough County Rezoning: Making Your Voice Heard.”
- **Call** Planning & Growth Management at (813) 272-5920 for general information or (813) 276-2006 to ask for the “reviewing planner” who will be organizing data for the Zoning Hearing Master and the BOCC meeting or for the Land Use Hearing Officer.
- Check the following **Websites**:
 - www.hillsboroughcounty.org/pgm
Application forms and instructions are available for download. A link also is provided to the PGM STORE (under the Resources link) where you can view all documents in the public record for each application going to public hearings.
 - www.hillsboroughcounty.org/onr/
For information on qualifying and registering an organization to receive notice of rezonings.
 - www.theplanningcommission.org/hillsborough/
For information on the Hillsborough County City-County Planning Commission and the Comprehensive Plan.

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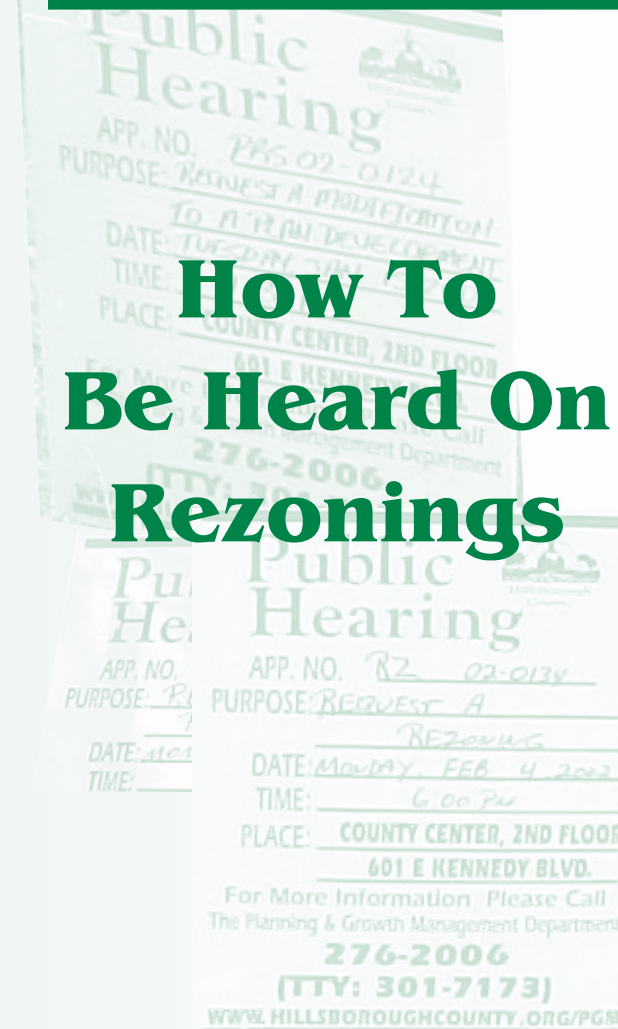


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