Party of Record Information Packet

Hillsborough County Florida
Development Services

Important Instructions to All Applicants:

BEFORE FILING ANY OF THE FORMS, CONSULT THE PROCEDURES IN THE LAND DEVELOPMENT CODE. These instructions apply only to those applications heard by the Land Use Hearing Officer (LUHO) while serving in the role of "Zoning Hearing Master (ZHM)." In such cases, the LUHO does not rule on the application, but renders a recommendation for consideration by the Board of County Commissioners. These cases include Rezonings, Planned Developments, Major Modifications to Planned Developments and Nonconforming Special Use permits.

REVIEW PROCESS & STANDING TO SPEAK BEFORE THE BOCC

The Land Development Code (LDC) requires that a public hearing be conducted on certain land development requests prior to final decision by the Hillsborough County Board of County Commissioners (BOCC). Final decisions by the BOCC are made at a public meeting governed by the requirements of the LDC.

The BOCC considers the recommendation of the ZHM at a public meeting. The BOCC can, by law, consider only the record of the proceedings before the ZHM. Only a Party of Record may speak before the BOCC during this meeting. Additional evidence requests may be filed pursuant to the criteria in the LDC. The BOCC will consider the requests and may grant them if the appropriate criteria are met by the party making the requests.

I. PARTY OF RECORD

A. A person who was present at the Zoning Hearing Master (ZHM) hearing before the hearing officer and presented either oral testimony or documentary evidence.

B. A person who was notified by Proof of Mailing of the ZHM hearing before the hearing officer. This includes the Designated Representative(s) of the registered Neighborhood Organizations within 1 mile of the site for which the request was made.

C. A person who submitted documentary evidence to the master file two (2) business days prior to the ZHM hearing or by proxy during the ZHM hearing.

Persons who only qualify as a Party of Record due to the receipt of a mailed notification who did not participate in the ZHM hearing and/or did not submit documentary evidence to the file can only speak at the Board of County Commissioners (BOCC) public meeting if the application is placed on the Regular Agenda at the BOCC public meeting. Agendas typically may be viewed at HCFLGov.net three days prior to the hearing.

Applications that do not meet the criteria for placement on the Regular Agenda are placed on the Consent Agenda. Testimony is not provided on Consent Agenda items.

II. SUMMARY OF THE BOCC LAND USE MEETING PROCESS

A. The Zoning Hearing Master (ZHM) Hearing

The Land Development Code (LDC) requires that a public hearing be conducted on certain land development requests prior to final decision by the Hillsborough County Board of County Commissioners (BOCC). Hearing officers conduct these hearings as the Zoning Hearing Master (ZHM). During a ZHM hearing, the hearing officer does not make final decisions, but, instead, renders recommendations to the BOCC. Final decisions by the BOCC are made at a public meeting governed by the requirements of the LDC.

1. Participants. The participants at the ZHM public hearing consist of the applicant, County staff, County agencies, proponents, and opponents, inclusive of the public and witnesses with relevant testimony. Each participant, including the public, however organized, shall be limited in time as described below to present their case; however, the hearing officer may grant additional time for good cause shown.

2. Presentation. The order of presentation for each petition is as follows:

   a. Applicant and witnesses; proposal: 15 minutes

b. Administrator; summary of the applicant, County staff and department findings: 5 minutes

c. Planning Commission staff; statement of compliance or non-compliance: 5 minutes

d. Proponents; argument in favor of the application: 15 minutes

e. Opponents; argument against the application: 15 minutes

f. Staff; amended recommendations, if any: 5 minutes

g. Applicant; rebuttal and summation: 5 minutes

To the maximum extent possible, the public hearing will be informal. The hearing officer's recommendation must be filed with the Clerk of the BOCC within fifteen (15) working days after the conclusion of the public hearing. In no case shall the recommendation be filed later than the last working day within the fifteen (15)-day time frame. Anyone wishing to receive a copy of the recommendation by mail must supply the Clerk of the BOCC with his/her name, address, and a stamped, self-addressed envelope for that purpose.

B. BOCC Action

The BOCC considers the recommendation of the hearing officer at a public meeting. The BOCC can, by law, consider only the record of the proceedings before the hearing officer during the ZHM hearing. Additional evidence requests may be filed pursuant to the criteria in the LDC. The BOCC will consider the requests and may grant them if the appropriate criteria are met by the party making the requests (see Section III below).

C. Information Concerning the Process

Hard copies of the forms are available from the Hillsborough County Development Services Department, 601 E. Kennedy Blvd., 20th Floor, P.O. Box 1110, Tampa, FL 33601-1110; telephone: (813) 307-4739.

Questions about the participation process may be directed to the Development Services Department by calling (813) 307-4739 and the Hillsborough County Attorney's Office by calling (813) 272-5670.

III. ADDITIONAL EVIDENCE REQUEST

A. Additional evidence may be allowed by the BOCC provided that:

1. Through the exercise of due diligence it could not have been discovered in time to be presented to the hearing officer during the ZHM hearing, and/or

2. The witness could not appear at the public hearing for good reasons beyond his/her control.

Staff of the County Attorney's Office will review the request and advise the Board of County Commissioners as to whether the request meets the requirements of Section 10.03.04(D) of the Land Development Code.

B. Requests for the submittal of additional evidence must be submitted on the appropriate forms (see Appendix) within ten (10) calendar days after the date of the filing of the hearing officer's recommendation. A copy of the request shall be maintained by the Administrator in a Master File available to the public and the BOCC.

IV. APPENDIX

Following are forms available from the Administrator and, when completed, must be submitted to the Clerk to the BOCC.

Additional Evidence Request Form

Hillsborough County Florida
Development Services

Petition No.:_____ Date of Submittal:_____

ZHM Hearing Date:_____ BOCC Hearing Date:_____

Name:_____

Address:_____

_____

City: _____State:_____Zip:_____

Telephone Number:_____

A request for the introduction of additional evidence (evidence not presented at the Zoning Hearing Master's public hearing or otherwise part of the Zoning Hearing Master record) may be considered by the Hillsborough County Board of County Commissioners in accordance with Section 10.03.04(D) of the Land Development Code. The Additional Evidence Report shall be filed with the Clerk of the Board of County Commissioners within ten (10) calendar days after the date of filing of the hearing officer's recommendation. You can file this via email boccrec@hillsclerk.com or in person at 601 E. Kennedy Blvd, Tampa, FL 33601; fax (813) 272-5044; telephone: (813) 276-8100, ext. 4567.

A copy of said request shall be maintained by the Administrator in a Master File available to the public and the Board of County Commissioners.

Additional evidence may be either documentary and/or testimonial in nature. If testimonial, a summary of the testimony shall be provided. Such additional evidence may be considered only where the following criteria are met:

1. Through the exercise of due diligence, it could not have been discovered in time to present same to the hearing officer, and/or
2. The witness could not appear at the public hearing for good reason beyond his/her control.

Persons shall not be required to submit this form when submitting additional evidence for DRI public hearings before the Board of County Commissioners or for petitions initiated by the Board of County Commissioners or the Administrator.

Please state below in one paragraph or less the reason(s) why the evidence could not have been presented at the public hearing or why the witness could not appear at the hearing (attach additional sheets if necessary).

Please state the nature of the additional evidence (attach additional sheets if necessary). If the additional evidence is documentary, please attach copies to this form. If testimonial, a summary presenting the evidence must be attached to this form. Examples of documentary evidence are consultant reports, text excerpts, photographs and maps.

THE HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTED LOBBYING ORDINANCE NO. 03-26, AS AMENDED. PRIOR TO MEETING PRIVATELY WITH A BOARD MEMBER, COUNTY ATTORNEY, CHIEF ASSISTANT COUNTY ATTORNEY, COUNTY ADMINISTRATOR, ANY ASSISTANT COUNTY ADMINISTRATOR OR ANY DEPARTMENT HEAD, YOU MAY BE REQUIRED TO REGISTER AS A LOBBYIST.

Affidavit for Submittal of Additional Evidence (Testimonial)

Hillsborough County Florida
Development Services

Petition No.:_____

State of Florida
County of Hillsborough

Before me, the undersigned authority, personally appeared _____, who being first duly sworn, did depose and say:

_____
Petitioner's Signature

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this

_____day of_____,_____, by_____.
(day) (month) (year) (name of person acknowledging)

☐ Personally Known OR ☐ Produced Identification

_____
(Signature of Notary Public - State of Florida)

_____
Type of Identification Produced

_____
(Print, Type, or Stamp Commissioned Name of Notary Public)

(Notary Seal)

_____
(Commission Number) (Expiration Date)

Participation Information

Hillsborough County Florida
Development Services

Instructions to Participate on the BOCC Land Use Meeting for those that meet the LDC criteria described on Sec. 10.03.04.

PARTICIPATION OPTIONS

Virtual Participation Option: In response to the COVID-19 pandemic, Hillsborough County is making it possible for interested parties to participate virtually in this public meeting by means of communications media technology. In order to participate virtually, you must have access to a communications media device (such as a tablet or a computer equipped with a camera and microphone) that will enable you to be seen (video) and heard (audio) by the Board of County Commissioners during the public meeting using WebEx.

Additionally, should you opt to participate virtually in this public meeting, you will be able to provide oral testimony and present documentary evidence provided the content is part of the established record from the public hearing conducted by the Zoning Hearing Master (ZHM).

A qualified party of record who wishes to participate virtually in this public meeting will be able to do so by completing the online Public Comment Signup Form found at: HillsboroughCounty.org/SpeakUp. You will be required to provide your name, mailing address, and telephone number on the online form. This information is being requested to facilitate the video conferencing process. The Board Chairperson will call on speakers by name in the order in which they have completed the online Public Comment Signup Form, depending on the application(s) to which each speaker signed up to speak. A WebEx invitation will be transmitted to participants who have completed the form. Participants should monitor the meeting and listen for the agenda item(s) they wish to address, listen for the Board Chairperson to call them by name, and unmute themselves when it is their time to speak. Virtual participant submissions for the public hearing will close 30 minutes prior to the start of the hearing. Oral testimony offered using communications media technology will be afforded equal consideration as if the testimony was offered in person.

In Person Participation: While virtual participation is offered, standard in-person participation is still available. The format and procedures for in-person participation may differ from a traditional hearing. For the safety of participants and staff, social distancing will be properly adhered to at all times.

HEARING AND VIEWING OPTIONS

Anyone wishing to view and listen to the meeting live, without participating, can do so in the following ways:

- The County's official YouTube channel: YouTube.com/HillsboroughCountyMeetings
- The County's HTV channels on cable television: Spectrum 637 and Frontier 22
- The HCFLGov.net website by going to HCFL.gov/newsroom and selecting the "Live Meeting" button.
- Listening to the hearing on smart phones by going to the above YouTube link.

The meetings will be captioned on screen for the hearing impaired.

If you have any questions or need additional information for providing public input, please call (813) 307-4739.