

CODE COMPLIANCE REVIEW *

POLICY 06-03

PURPOSE: Hernando County Commercial Development requires certain applications for new construction, additions and remodeling for multi-family, commercial and industrial establishments to be submitted for code compliance review prior to final construction drawing approval and permit issuance. This review process involves plans analysis by individual County departments and affected non-county entities for consistency with pertinent statutes, ordinances, codes and policies governing application approval. The process includes analysis by departmental staff as well as a session attended by representatives of the Hernando County Development, Engineering, Public Works, Planning, Utilities, Fire and Rescue, and Health Departments, or other affected public entities. Representatives shall be designated by the department director. Affected non-public utility companies may also provide representatives. Designation shall be effective until otherwise provided by the director and shall not constitute an office under the sovereign power of the County. This session shall be moderated to ensure an orderly process, and the general public may attend, observe, and, as authorized by the moderating authorities, be allowed to comment upon staff analysis of compliance with applicable requirements.

The participating agency representatives are not empowered to take any collegial action or to otherwise act in concert, and this policy is not intended to delegate to such attendees any portion of the county's sovereign power. Rather it is the intent of the Development Department that the process described herein is for the benefit of the County, with respect to efficient and timely completion of work duties; for the benefit of the Applicant, with respect to cost-effective review for compliance with all applicable requirements pertaining to development; and for the benefit of the public, in terms of assuring code compliance and providing process transparency. Collegial action by the moderating authorities shall be limited to that necessary to ensure an orderly session which facilitates communication between and among agency representatives, the applicant and the public. No other portion of the County's sovereign power is hereby delegated to any official, representative or attendee.

The Development Department shall be responsible for

making a taped recording of each Code Compliance Review session and providing minutes of the session. Any references in the Hernando County Code of Ordinances to “Development Review Committee” or “development review process” shall be construed to refer to the process set forth in this policy.

POLICY:

An applicant for a building permit shall submit a complete application to include the required number of signed and sealed site and building plans with all items listed on the Preliminary Intake Review checklist and application fees in the proper amount per fee schedule to the Development Department.

Plans submitted shall be distributed to all departments for review, and any affected non-public utility company may also be notified of any impact indicated on the plans. As used in this policy, “review” as it pertains to plans hereunder shall mean and include only review by compliance with applicable federal and state statutes, and with applicable ordinances, codes, zoning conditions and policies of Hernando County. The term shall not include the desirability of the specific development or construction. The applicant shall be notified stating the projected review time and the names of the departments reviewing the application. Staff of the various departments shall have twenty working days to review the plans and make any appropriate written comments to the Development Department. The Development Department shall place the review status on the scheduled code compliance review and advise the applicant and/or applicant’s designated representative, including copies of comments of affected departments, entities or utilities, if any. Electronic availability of comments shall be deemed submitted.

After staff review of the plans, the Development Department will distribute all comments to the affected departments, entities and/or utilities, so that all representatives attending the public session will be prepared to offer final comments to the applicant at that time. Electronic availability of comments shall constitute submittal. Upon scheduling of the public review session, the Development Department shall provide notice of the session date, time and place to the applicant, all affected departments and entities, specifically requesting attendance by a department or entity representative. Notice of the session shall be published in the newspaper which is contracted by the County for

publication of legal advertisements. The Notice shall provide a specific contact person, address or telephone number and e-mail address as applicable for members of the public to obtain copies of the session schedule. A sign large enough to be visible from all adjacent public rights-of-way and specifying the review session place, date and time shall be obtained by the applicant from the Development Department and posted adjacent to such rights-of-way by the applicant or designee, and an affidavit of posting shall be filed with the Development Department before the beginning of the session.

The applicant shall have twenty working days to submit a letter of response and revised plans addressing all comments or a letter requesting an extension of time following the code compliance review. Any extension will be granted only if, in the reasonable discretion of the Building Official or designee, the applicant has presented justifiable cause for such an extension. Denial of an extension shall operate to void the application if revised plans consistent with the comments are not submitted within five days of notice of denial. A new application can be filed by an applicant without prejudice.

The public review session shall be conducted by the moderating authorities, who shall be chosen by the County Administrator or a designee thereof. The moderating authorities shall consist of three persons appointed by the County Administrator or designee, at least one of whom shall be a County employee. The applicant shall interact officially only with the moderating authorities and with the designated department or utility representatives, who shall present their individualized review as to applicant's compliance with applicable statutes, ordinances, codes, zoning conditions and policies affecting their areas of responsibility. The applicant may respond to any review comments with respect to the issue of such compliance. After all affected departments and entities have presented their review, and the applicant has had an opportunity to respond, the moderating authorities shall not prevent a Code Compliance Review session from proceeding, since the moderating authorities are not subject to quorum requirements, do not take official collegial action other than as necessary for moderating purposes, and exist only for the purpose of facilitating inter-agency communication to the benefit of the applicant, the County, and interested members of the public.

Upon written request, an applicant may submit a request for

a Pre-Application meeting with individual department or entity staff, to be arranged by the Development Department with particular departments who shall designate representatives to review plans with the applicant or applicant representatives, and to make verbal comments. The pre-application review staff meeting or meetings are intended only for preliminary review in the interest of efficient processing of subsequent compliance review, and no comments of department representatives at any such meeting shall bind that department in a subsequent public review session.

The Building Official shall consider all relevant matters raised and discussed at the public review session in determining whether to approve a building permit application. The Building Official may, but is not required to, review published minutes and/or the tape recording of the review session prior to any decision for approval or recommendation. In the event that the Building Official denies the permit, such official shall provide written notice of such determination with advice to the applicant about rights to appeal, if any.

Replaces: Policy No. 85-3

Reference: July 23, 1985

Adopted: September 18, 1991

Amended: May 21, 2002

Amended: May 22, 2007

* (formerly the Development Review Committee)