



**APPEAL APPLICATION**

Application No.: \_\_\_\_\_ Date: \_\_\_\_\_

\*Written authorization is required if Applicant is different than Owner.

**Appellee \***

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Home No.: \_\_\_\_\_ Cell No.: \_\_\_\_\_  
 Work No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_  
 Email: \_\_\_\_\_

**Property Description:** Section: \_\_\_\_\_ Township: \_\_\_\_\_ South Range: \_\_\_\_\_ East  
 Legal Description: \_\_\_\_\_  
 Subdivision: \_\_\_\_\_ Lot(s): \_\_\_\_\_ Block/Parcel: \_\_\_\_\_  
 Alternate key #: \_\_\_\_\_ Parcel ID: \_\_\_\_\_

Choose one:

- \_\_\_\_\_ Appeal to PDRB
- \_\_\_\_\_ Appeal to Special Master\*

\* Note (Applicant assumes all costs associated with Special Master. However, if appeal is successful, these costs are refunded. The applicant shall be the party responsible to provide notice of public hearing, and notification of abutting property owners if applicable, and the cost(s) thereof.)

Decision to be reviewed: \_\_\_\_\_ Date of Decision: \_\_\_\_\_

Interests of person seeking review:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\*Specific error alleged as grounds for appeal. (Attach additional sheets as necessary.)

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I am aware that if the property or decision cannot be located using information from the submitted application, this application may be rescheduled to a later hearing date. I also understand that a sign must be placed (and marking flags may be placed) on the property by the Land Development Division at least seven days prior to the scheduled meeting.



**Board of County  
Commissioners**

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I understand that approval for the proposed use shown hereon does not in any way relieve me of the responsibility of observing and complying with any deed restriction applicable to the subject property.

I hereby authorize Citrus County or its agents to enter upon the property, which is the subject of this application and the date of the hearing thereon, at any time between the hours of 8:00 AM and 5:00 PM for the purpose of gathering any information relevant to this application.

**I DO HEREBY SWEAR THAT THE INFORMATION CONTAINED HEREIN AND THE ATTACHMENTS HERETO ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.**

Signature:

\_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF CITRUS

**I HEREBY CERTIFY that on this date, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared \_\_\_\_\_, who is personally known to me or provided \_\_\_\_\_ as identification and who did not take an oath.**

WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Printed Name

Seal

\_\_\_\_\_  
Notary Public – State of Florida



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### APPEALS APPLICATION GUIDELINES

#### **2500. APPEALS**

Appeals of decisions of the PDC for Level Two quasi-judicial actions shall be as required by law.

Appeals of the TRT for Level One Actions, and decisions rendered pursuant to Section 1410.C. of this LDC, may be appealed by an aggrieved party subject to the following:

- A. Appeals shall be made by applications filed with the Director of the Department of Planning and Development or designee, and payment of any fee, within thirty (30) days following issuance of the decision appealed.
- B. Appeals shall be heard by the PDC unless the appellant chooses to retain a Special Master, which election must be made in writing at the time of filing. If such option is chosen, the County shall have the sole authority to select the Special Master, and the appellant shall be responsible for all costs associated with the hiring of such individual.
- C. An application for appeal shall clearly state the basis for the appeal, including the following information:
  1. A statement of the decision to be reviewed and the date of the decision.
  2. The standard(s) and/or requirement(s) involved.
  3. A statement of the interest of the person seeking review.
  4. The specific error alleged as grounds for the appeal.
- D. An appeal stays all work on the premises and all proceedings in furtherance of the action appealed from, unless certified to the PDC by the Director of Planning and Development or his/her designee that, by reasons of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by order of a court of competent jurisdiction.
- E. Appeals of decisions shall be defended, if at all, by the individual or legal representative which benefited by the decision from which the appeal is taken. Citrus County, however, reserves the right, in its sole discretion, to intervene in any appeal which affects or may affect the interest of the County or its citizens.



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- F. Appeals shall be heard as set forth in this LDC for the purpose of ensuring that level of due process required of a formal quasi-judicial proceeding, to wit: notice, and opportunity to be heard, testimony under oath, and an opportunity to cross-examine when necessary.
- G. A hearing on appeal, whether by the PDC or a Special Master, shall be conducted as follows:
1. An appeal shall be heard at a duly advertised public meeting noticed as required by Section 2600. of this LDC. The applicant shall be the party responsible to provide such notice and for the cost thereof.
  2. The general procedure utilized for hearing of the matter shall be that set forth for formal quasi-judicial proceedings in Citrus County Code of Ordinances, Chapter 2, Article 2, Division 3, as may be supplemented or modified to effectuate the purpose herein.
  3. The parties shall present their respective positions. Review of a decision shall be limited to the record and applicable law.
  4. After consideration of the information provided, the decision under review shall be either affirmed, with or without modifications, or rejected.
  5. A decision shall not be modified or rejected unless there is a finding that the decision is not supported by the substantial, competent evidence or that the decision is contrary to the applicable law, code, or rule.

### **2600. PUBLIC HEARING AND NOTICE**

#### **2610. General Requirements for Notice of Hearing**

- A. Due public notice as used herein shall mean publication and notification in compliance with the applicable provisions of the F.S.
- B. Due notice shall be deemed to mean notice as follows:
1. First class mail to all known owners of property lying within 500 feet from the property under application for public hearing; **AND**
  2. Certified return receipt mail for those property owners that are abutting and contiguous or separated only by a road, access easement, or water body.



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A list of such owners shall be taken from the latest ad valorem tax records in the Property Appraiser's Office.

- C. The applicant shall be responsible for all fees for public notices required by this section.
- D. Notice of a public hearing shall be given sufficiently in advance to provide adequate notice and shall contain the following information:
  - 1. The date, time, and place of the hearing.
  - 2. A description sufficient to inform an interested party of the location of the property for which a development order or other action is pending including, but not limited to: use of a map or postal address and a subdivision lot and block designation, a metes and bounds description, or the tax map designation of the County Property Appraiser.
  - 3. The substance of the proposed ordinance specifying the nature of the issue being considered.
  - 4. The sections of the LDC pertinent to the hearing procedure.
- E. The failure of the County to mail or a property owner to receive notice shall not invalidate a board action if a good faith attempt was made to comply with the requirements of this LDC for notice.
- F. The provisions of this subsection shall not be construed to require mailed notices in those cases where the application is for a change of land use in excess of 1,500 acres in total area under application.
- G. Additionally, a sign giving notice of the hearing shall be posted on all properties under application. The sign shall be of a size and text determined by the Director of the Land Development Division. Such sign shall be furnished by the Department of Planning and Development. The sign shall be posted in such a manner to be clearly visible from a public or private street, way, or place, preferably a collector or arterial whenever possible. The signs shall be placed at least seven days prior to the scheduled public hearing.
- H. If an application for change is withdrawn by letter or other formal notice prior to the announced hearing or is postponed before the hearing is legally convened, new public notice for any reconsideration shall be published in the same manner as for the



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original notice. Where such postponement is at the request of the applicant, the cost of new notice and other incidental costs shall be paid by the applicant as with the original petition.

- I. Applications requesting a change of land use, land use regulations and/or changes to the Comprehensive Plan shall be heard by the BCC during one public workshop and one public hearing. At least one hearing shall be held after 5:00 PM on a weekday, unless the BCC, by a majority plus one vote, elects to conduct that hearing at another time of day. The workshop shall be held at least seven days after the day that the first advertisement is published. The public hearing shall be held at least 10 days after the workshop and shall be advertised at least five days prior to the public hearing.

### **2620. Public Hearing**

- A. The order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate:
  1. Before receiving information on the issue, the following shall be determined:
    - a. Any objections or jurisdictional grounds shall be noted in the record and if there is objection, the person presiding has the discretion to proceed or terminate.
    - b. Any conflicts of interest shall be disclosed.
  2. The person presiding at the hearing may take official notice of known information related to the issue, such as the following:
    - a. Provisions of State law or of an ordinance, resolution, rule, or official policy of the County.
    - b. Other public records and facts judicially noticeable by law.
  3. The hearing body may view the area in dispute with or without notification to the parties.
  4. Information shall be received from the staff and from proponents and opponents. Unless the presiding officer specifies otherwise, if a request to ask a question is



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approved, the presiding officer will direct the question to the person submitting testimony.

5. When the public hearing has ended, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.
- B. Following the hearing procedure described in Section 2620.A. of this LDC, the hearing body shall approve or deny the application. If the hearing is an appeal, the Hearing Officer shall affirm, reverse, or remand the decision that is on appeal (see Section 2500. of this LDC). A decision on a hearing or an application for a development order shall be made within 60 days of the application. With agreement of the hearing body and an applicant or appellant, processing of a matter under consideration may be extended for a reasonable period of time as determined by the hearing body, but may not exceed six months from the date of the first hearing on the matter.
- C. The secretary to the hearing body shall be present at each hearing and shall cause the proceedings to be recorded stenographically or electronically.
1. Testimony shall be transcribed if required for judicial review or if ordered by the hearing body.
  2. The hearing body shall, where practicable, retain as part of the hearing record each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, at which time the exhibits may be released to the person identified thereon or otherwise disposed of.
  3. The written findings and order shall be included in the record.
  4. Any person shall have access to the record of the proceedings at reasonable times, places, and circumstances. A person shall be entitled to make copies of the record at the person's own expense.
  5. Any person who decides to appeal any decision with respect to any matter considered at a public hearing will need a record of the proceedings, and for such propose, may need to ensure that a verbatim record of the proceedings is made. Such record shall include the testimony and evidence upon which the appeal is based.