

ORDINANCE NO.: 2008-05

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES BY AMENDING CHAPTER 23 (PLANNING), ARTICLE VII (LAND DEVELOPMENT REGULATIONS), SECTION 23-229 REGARDING COMPILATION OF LAND DEVELOPMENT REGULATIONS; AMENDING CHAPTER 26 (SUBDIVISIONS), ARTICLE IV (IMPROVEMENTS REQUIRED) BY AMENDING SECTION 26-70 (ACCESS), SECTION 26-71 (WATER SUPPLY AND DISTRIBUTION SYSTEM), AND SECTION 26-74 (COUNTY AND DISTRICT ACCEPTANCE); AMENDING ARTICLE V (REQUIREMENTS FOR RECORD PLAT TITLE PAGE), SECTION 26-91 REGARDING DEDICATIONS AND FORM THEREOF; AMENDING APPENDIX A (ZONING), ARTICLE I (SHORT TITLE; DEFINITIONS), SECTION 1 BY ADDING PREAMBLE AND REVISING SHORT TITLES, AND SECTION 3 BY ADDING NEW DEFINITIONS; AMENDING ARTICLE II (GENERAL REGULATIONS), SECTION 1 (APPLICATION OF REGULATIONS AND CLASSIFICATIONS OF STRUCTURES AND USES) BY ADDING NEW LAND USE CLASSIFICATIONS, AMENDING SECTION 2 (GENERAL REGULATIONS FOR STRUCTURES AND USES), SUBSECTION F REGARDING REGULATION OF COMMUNICATION TOWERS, AND AMENDING SECTION 4 (GENERAL REGULATIONS FOR VEHICLES), SUBSECTION A (OFF-STREET PARKING SPACE AND ACCESS), SUBSECTION (6) BY ADDING PARKING REQUIREMENTS FOR CALL CENTERS; AMENDING ARTICLE IV (ZONING DISTRICT REGULATIONS) BY AMENDING SECTION 1 (ESTABLISHMENT OF ZONING DISTRICTS), SUBSECTION A (ZONING DISTRICT DESIGNATION), SUBSECTION 22 REGARDING INDUSTRIAL DISTRICT AND SUBSECTION 30 REGARDING HEAVY INDUSTRIAL DISTRICT; AMENDING SECTION 3 (COMMERCIAL DISTRICTS), SUBSECTION A (PERMITTED USES) BY AMENDING PERMITTED USES ALLOWED IN C-1 COMMERCIAL DISTRICT, C-2 HIGHWAY COMMERCIAL, AND C-4 HEAVY HIGHWAY COMMERCIAL DISTRICTS; AMENDING SECTION 4 (INDUSTRIAL DISTRICTS) BY AMENDING PERMITTED USES ALLOWED IN I-1 LIGHT INDUSTRIAL DISTRICT; AMENDING SECTION 6 (RURAL DISTRICTS), SUBSECTION A (AGRICULTURAL DISTRICT), SUBSECTION (3) REGARDING LIST OF SPECIAL EXCEPTION USES; AMENDING ARTICLE V (ADMINISTRATION), SECTION 4 (CONDITIONAL USE PERMIT) REGARDING PREREQUISITES, CONDITIONS, PROCEDURES AND PROCESS THEREIN, AND SECTION 8 (SPECIAL EXCEPTION USE REGULATIONS) REGARDING PREREQUISITES, CONDITIONS, PROCEDURES AND PROCESS THEREIN; AMENDING ARTICLE VI (AMENDMENTS) BY AMENDING SECTIONS 1 - 11 REGARDING PREREQUISITES, CONDITIONS, PROCEDURES AND PROCESS THEREIN; AMENDING ARTICLE VIII (PLANNED-DEVELOPMENT PROJECT) BY AMENDING SECTION 1

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FILED

1 (GENERAL PROVISIONS FOR PLANNED DEVELOPMENT PROJECTS),  
2 SECTION 2 (PLAN STANDARDS), SECTION 3 (NARRATIVE  
3 STANDARDS), SECTION 4 (REVISIONS), AND SECTION 5 (PERMITTED  
4 USES), SUBSECTION 20 (PERMITTED USES IN PDP CORPORATE  
5 PARK); AMENDING ARTICLE IX (VIOLATIONS; PENALTIES), BY  
6 AMENDING SECTION 1 (VIOLATIONS), SECTION 2 (ENFORCEMENT,  
7 REMEDIES AND PENALTIES), AND SECTION 3 (CONFLICT WITH  
8 OTHER INSTRUMENTS); PROVIDING FOR SEVERABILITY;  
9 PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN  
10 EFFECTIVE DATE.

11  
12 WHEREAS, the County desires to update and modernize its land development regulations,  
13 and to correct errors and inconsistencies, as provided for herein.

14  
15 NOW THEREFORE:

16  
17 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO  
18 COUNTY, FLORIDA:

19  
20 SECTION I. AMENDING CHAPTER 23 (PLANNING), ARTICLE VII (LAND DEVELOPMENT  
21 REGULATIONS, DIVISION 1 (GENERALLY). Chapter 23 (Planning), Article VII (Land Development  
22 Regulations), Division 1 (Generally) is amended to read as follows, with underlined matter added  
23 and struck-through matter deleted:

24  
25 **Sec. 23-229. Created.**

26  
27 (a) Necessity of land development regulations: Pursuant to § 163.3202, Florida  
28 Statutes, as may be amended or renumbered from time to time, the county shall adopt or amend  
29 and enforce land development regulations that are consistent with and implement its adopted  
30 comprehensive plan.

31  
32 (b) Compilation: The Hernando County Land Development Regulations are hereby  
33 created to include (“land development regulations” or “LDRs”) are located throughout the  
34 Hernando County Code of Ordinances and shall collectively comprise the following ordinances  
35 chapters or provisions of the code:

- 36  
37 (1) ~~Appendix A, Zoning.~~  
38 (2) ~~Chapter 26, Subdivision Regulations.~~  
39 (3) ~~Chapter 13, Flood Damage Prevention and Protection Regulations.~~  
40 (4) ~~Chapter 19, Mining Regulations.~~  
41 (5) ~~Chapter 10, Community Appearance Regulations.~~  
42 (6) ~~Chapter 8, Buildings and Building Regulations.~~  
43 (7) ~~Chapter 3, Airports and Aviation Regulations.~~  
44 (8) ~~Chapter 24, Roads and Bridges, Article I, Section 24-2, Frontage Road Regulations.~~  
45 (9) ~~Chapter 21, Offenses and Miscellaneous Provisions, Article VIII, Noise.~~

- 1       ~~(10) Chapter 23, Planning, Article III, Impact Fees.~~  
2       ~~(11) Chapter 23, Planning, Article IV, Canopy Road Protection Regulations.~~  
3       ~~(12) Chapter 23, Planning, Article V, Street and Road Naming and Addressing~~  
4           ~~Regulations.~~  
5  
6       (1)    Chapter 8, Buildings and Building Regulations.  
7  
8       (2)    Chapter 10, Community Appearance Regulations.  
9  
10      (3)    Chapter 13, Flood Damage Prevention and Protection Regulations.  
11  
12      (4)    Chapter 19, Mining Regulations.  
13  
14      (5)    Chapter 23, Planning  
15  
16      (6)    Chapter 24, Roads and Bridges, Article I, Section 24-2, Frontage Road  
17           Regulations.  
18  
19      (7)    Chapter 26, Subdivision Regulations.  
20  
21      (8)    Chapter 28, Utilities, Article III, Division 3, Individual Sewage Disposal Systems.  
22  
23      (9)    Chapter 28, Utilities, Article VII, Groundwater Protection and Siting.  
24  
25      (10)  Appendix A, Zoning.  
26

27   **SECTION II. AMENDING CHAPTER 26 (SUBDIVISION REGULATIONS), ARTICLE IV**  
28   **(IMPROVEMENTS REQUIRED), SEC. 26-70 (ACCESS).** Chapter 23 (Subdivision Regulations),  
29   Article IV (Improvements Required), Sec. 26-70 (Access) is amended to read as follows, with  
30   underlined matter added and struck-through matter deleted:  
31

32   **Sec. 26-70. Access.**

33  
34       All subdivisions shall ~~incorporate any provisions, including, but not limited to, marginal~~  
35   ~~access streets related to the developer's obligation to provide adequate access to his the~~  
36   development as determined by the board of county commissioners. For purposes of all new  
37   Class A subdivisions, the governing body may require for purposes of demonstrating 'adequate  
38   access' that the proposed subdivision include, but not be limited to, off-site road improvements,  
39   intersection improvements, additional points of vehicular ingress and egress and/or connectivity  
40   to one or more county maintained roads.  
41

42   **SECTION III. AMENDING CHAPTER 26 (SUBDIVISION REGULATIONS), ARTICLE IV**  
43   **(IMPROVEMENTS REQUIRED), SEC. 26-71 (WATER SUPPLY AND DISTRIBUTION SYSTEM).**  
44   Chapter 23 (Subdivision Regulations), Article IV (Improvements Required), Sec. 26-71 (Water

1 supply and distribution) is amended to read as follows, with underlined matter added and struck-  
2 through matter deleted:

3  
4 **Sec. 26-71. Water supply and distribution system.**

5  
6 A central water supply and distribution system shall be provided when required by the  
7 appropriate federal, state or county regulations (~~see item 9 of condition plat.~~) When a central  
8 water distribution system is required, the system shall be designed in accordance with federal,  
9 state, district and county standards. All Where required in connection with any conditional or  
10 final plat, the public water systems shall be designed to provide fire flow and fire hydrants shall  
11 be placed in accordance with adopted Hernando County Policy all applicable regulations and  
12 standards.

13  
14 **SECTION IV. AMENDING CHAPTER 26 (SUBDIVISION REGULATIONS), ARTICLE IV**  
15 **(IMPROVEMENTS REQUIRED), SEC. 26-74 (COUNTY AND DISTRICT ACCEPTANCE).** Chapter 23  
16 (Subdivision Regulations), Article IV (Improvements Required), Sec. 26-74 (County and district  
17 acceptance) is amended to read as follows, with underlined matter added and struck-through  
18 matter deleted:

19  
20 **Sec. 26-74. County and district acceptance.**

21  
22 (a) Upon completion of construction of the subdivision improvements required by this  
23 chapter and those shown on the approved construction plans, the project engineer shall submit to  
24 the county a certification that all such work has been accomplished substantially in accordance  
25 with the approved plans and specifications. Accompanying the certification shall be as-built  
26 plans, test results as required by the county and district, and a letter of approval from the Florida  
27 Department of Environmental Regulation (DER) to place the sewage and/or water system into  
28 service. Upon receipt of this certification, the county will review the project, make the necessary  
29 site inspections, and if no unsatisfactory conditions are found, the improvements will be accepted  
30 for the developer's maintenance period. If the improvements have been performance bonded, this  
31 approval shall entitle the developer to a release of eighty (80) percent of the bonded amount and  
32 will begin the developer's maintenance period.

33  
34 (b) The developer shall maintain all improvements within the project for a period of  
35 eighteen (18) months from the date established by the county for the beginning of the  
36 maintenance period. ~~with the exception of water and sewer facilities as specified in paragraph~~  
37 ~~(c) below. Water and sewer facilities shall be maintained for a period of one year from the date~~  
38 ~~established by the county or district for the beginning of the maintenance period. Water and~~  
39 ~~sewer facilities shall have been in continuous operation during the entirety of the one-year~~  
40 eighteen (18) month maintenance period.

41  
42 (c) During the developer's maintenance period, the developer will be required to provide  
43 any maintenance repairs required by the county to ensure the integrity of the improvements, as  
44 designed and constructed, is are maintained. This includes, but is not limited to:

- 1 (1) Repair and/or replacement of drainage systems, pavement, culverts, catch basins,  
2 etc.
- 3
- 4 (2) Control of erosion, replacement of sod, removal of soil washed into the street or  
5 drainage system.
- 6
- 7 (3) Maintenance and/or replacement of regulatory signs and markings.
- 8
- 9 (4) Maintenance of sewer lines, force mains, lift stations and wastewater treatment  
10 plants if approved and maintenance of water plants and distribution systems.
- 11
- 12 (5) Developer will be required to reimburse the county or district for any and all  
13 repairs it might make to the systems during the maintenance period. Example: an  
14 emergency situation that cannot wait for the contractor to react.
- 15

16 (d) The project will be inspected periodically during the developer's maintenance period  
17 to ensure the improvements are being properly maintained and the developer required to make  
18 necessary repairs.

19

20 (e) Approximately ninety (90) days prior to the expiration of the developer's maintenance  
21 period, the developer shall request a final inspection of the project. The county or district will  
22 advise the developer of the necessary corrections. Upon completion of the corrections, the county  
23 or district will inspect the project and advise the board with respect to unusual maintenance  
24 conditions therein.

25

26 (f) The board, if satisfied that the maintenance of the improvements will not place an  
27 undue burden on the county or district, will accept the improvements for maintenance by the  
28 county or the district.

29

30 (g) The developer shall provide proof that there are no delinquent taxes on lots under his  
31 ownership within a subdivision when that subdivision is presented for acceptance for  
32 maintenance by the county or the district. If there are delinquent taxes, it shall be considered a  
33 violation of the provisions of this chapter and may result in forfeiture of the security.

34

35 **SECTION V. AMENDING CHAPTER 26 (SUBDIVISION REGULATIONS), ARTICLE V**  
36 **(REQUIREMENTS FOR RECORDS PLAT TITLE PAGE), SEC. 26-91 (DEFINITIONS).** Chapter 23  
37 (Subdivision Regulations), Article V (Requirements For Record Plat Title Page), Sec. 26-91  
38 (Definitions) is amended to read as follows, with underlined matter added and struck-through  
39 matter deleted:

40

41 **Sec. 26-91. Definitions Dedications; Form.**

42

43 (a) Each plat must contain a dedication executed and acknowledged by the owner in the  
44 manner prescribed by law for the execution of deeds. Such dedication shall dedicate to the public

1 or purchasers all streets, canals, parks and other public places shown on the plat, warrant that the  
2 dedicators are the owners of the lands platted, and authorize the recording of such plat.

3  
4 (b) Dedications and ~~acknowledgements~~ acknowledgments in substantially the following  
5 form shall be deemed as sufficient compliance with this section:

6  
7 (1) By individual:

8  
9 **DEDICATION**

10  
11 (LEGAL DESCRIPTION)

12  
13 The above legal description contains \_\_\_\_\_ acres more or less.

14  
15 \_\_\_\_\_, the owners of the lands described in this plat, do hereby dedicate  
16 to the public, the purchasers, and Hernando County all streets, rights-of-way, parks, drainage  
17 canals and retention areas, and other public areas as depicted hereon. The easements as  
18 designated on this plat are hereby reserved to the declarant, its successors and assigns and grants  
19 granted to Hernando County and public service providers to the subdivision on a nonexclusive  
20 basis for the ground level, aboveground, and below ground installations, maintenance, and  
21 operation of said utilities and service including drainage; and said owners further do hereby  
22 dedicate to the perpetual use of the public and Hernando County, Florida, all lands upon which or  
23 within which water and sewer system improvements or facilities exist; and further do hereby  
24 dedicate to the perpetual use of the Hernando County Water and Sewer District water and sewer  
25 system improvements and facilities including, but not limited to, water or sewer lines or pipes,  
26 fire hydrants, wells, lift stations, pumping stations, buildings, sewage disposal plants, other water  
27 and sewer system plants and other appurtenant facilities lying within or upon the lands depicted  
28 on this plat; and further do hereby reserve unto itself, its heirs, successors, assigns or legal  
29 representatives the right to construct, operate and maintain all such dedicated lands, streets, water  
30 and sewer system improvements or facilities and appurtenances until such time as the operation  
31 and maintenance of said lands, improvements, facilities and appurtenances is assumed by  
32 Hernando County, Florida; and further do hereby reserve unto itself, its heirs, successors, assigns  
33 or legal representatives including, but not limited to, ~~the~~ any private utility furnishing water and  
34 sewer services and appurtenances thereto, the title to any lands or improvements dedicated to the  
35 public or to the County if for any reason such dedication shall be either voluntarily or  
36 involuntarily vacated, voided or invalidated.

37  
38 Witness our hands and seals as dedicators this \_\_\_\_\_ day of \_\_\_\_\_, 1920.

39  
40 Signed and Sealed in the Presence of:

41  
42 \_\_\_\_\_ (seal)  
\_\_\_\_\_ Witness

43 \_\_\_\_\_ (seal)  
\_\_\_\_\_ Witness

1 State of \_\_\_\_\_  
2 County of \_\_\_\_\_  
3

4 Before me the undersigned, an officer duly authorized and acting personally appeared \_\_\_\_\_  
5 and \_\_\_\_\_ to me known to be the individuals described in and who executed the  
6 foregoing dedication and they, being duly sworn, acknowledged the same.

7  
8 WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 1920 \_\_\_\_\_.  
9

10 \_\_\_\_\_  
11 NOTARY PUBLIC

12 My Commission expires: \_\_\_\_\_  
13

14 (2) By corporation:  
15

16 **DEDICATION**

17  
18 (LEGAL DESCRIPTION)  
19

20 The above legal description contains \_\_\_\_\_ acres more or less.

21  
22 \_\_\_\_\_, a Corporation under the laws of the State of  
23 \_\_\_\_\_, the owner of the lands herein platted, as dedicator, does hereby dedicate to  
24 the public, the purchasers, and Hernando County all streets, rights-of-way, parks, drainage canals  
25 and retention areas, and other public areas as depicted hereon. The easements as designated on  
26 this plat are hereby reserved to the declarant, its successors and assigns and grants granted to  
27 Hernando County and public service providers to the subdivision on a nonexclusive basis for the  
28 ground level, aboveground, and below ground installations, maintenance and operation of said  
29 utilities and service including drainage; and said owners further do hereby dedicate to the  
30 perpetual use of the public and Hernando County, Florida, all lands upon which or within which  
31 water and sewer system improvements or facilities exist; and further do hereby dedicate to the  
32 perpetual use of Hernando County, Florida, water and sewer system improvements and facilities  
33 including, but not limited to, water or sewer lines or pipes, fire hydrants, wells, lift stations,  
34 pumping stations, buildings, sewage disposal plants, other water and sewer system plants and  
35 other appurtenant facilities lying within or upon the lands depicted on this plat; and further do  
36 hereby reserve unto itself, its heirs, successors, assigns or legal representatives the right to  
37 construct, operate and maintain all such dedicated lands, streets, water and sewer system  
38 improvements or facilities and appurtenances until such time as the operation and maintenance of  
39 said lands, improvements, facilities and appurtenances is assumed by Hernando County, Florida;  
40 and further do hereby reserve unto itself, its heirs, successors, assigns or legal representatives,  
41 including, but not limited to, the any private utility furnishing water and sewer services and  
42 appurtenances thereto, the title to any lands or improvements dedicated to the public or to the  
43 County if for any reason such dedication shall be either voluntarily or involuntarily vacated,  
44 voided or invalidated.  
45

1 IN WITNESS WHEREOF, the said dedicator has caused its name and corporate seal to be  
2 affixed hereto by its President, attested by its Secretary heretofore duly authorized by its Board of  
3 Directors, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

4 .  
5 (Corporate Seal)

6  
7 Attest: \_\_\_\_\_

8 By: \_\_\_\_\_

9 \_\_\_\_\_  
President

10 STATE OF \_\_\_\_\_

11 COUNTY OF \_\_\_\_\_

12 Before me the undersigned, an officer duly authorized and acting, personally appeared  
13 \_\_\_\_\_ and \_\_\_\_\_, to me known to be the individuals who executed the foregoing  
14 dedication as President and Secretary, respectively, of \_\_\_\_\_ a corporation, under  
15 the laws of the State of \_\_\_\_\_, and being duly sworn, acknowledged then and there  
16 before me that they executed the same as such officers of such Corporation heretofore duly  
17 authorized by the Board of Directors of such Corporation as the act and deed of such  
18 Corporation.

19  
20 WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 1920\_\_\_\_\_.

21  
22 \_\_\_\_\_  
23 NOTARY PUBLIC

24  
25 My Commission expires: \_\_\_\_\_  
26

27 (3) For private development, the dedicatory language must be approved by the county.

28  
29 **SECTION VI. AMENDING APPENDIX A (ZONING), ARTICLE I (SHORT TITLE; DEFINITIONS),**  
30 **SECTION 3 (DEFINITIONS).** Appendix A (Zoning), Article I (Short Title; Definitions), Section 1  
31 (Short title) is amended to read as follows, with underlined matter added and struck-through  
32 matter deleted:

33  
34 **ARTICLE I. { PREAMBLE; SHORT TITLES; PURPOSE; DEFINITIONS }**

35  
36 **Section 1. Preamble; Short titles.**

37  
38 Preamble: These regulations comprise one component of the county's land development  
39 regulations which include those chapters and provisions listed in Chapter 23, Article VII, of the  
40 Hernando County Code of Ordinances of which this Appendix A is a part. These regulations are  
41 intended to cover the use of all land within unincorporated Hernando County, Florida, and  
42 include, without limitation, zoning, special exception uses, conditional uses, and all related  
43 regulations regarding the 'use' of land. Any development activity authorized under these



1 regulations shall be consistent with the County's land development regulations and the county's  
2 comprehensive plan.

3  
4 Short titles: This ordinance is Ordinance 72-3 entitled "Land Use Regulations Hernando  
5 County, Florida," adopted by the Board of County Commissioners on April 28, 1972, as amended  
6 from time to time, and may be referred to as "Land Use Regulations" and/or "Zoning Ordinance."  
7 the "land use regulations," the "zoning ordinance," the "zoning code," or "Appendix A". The  
8 foregoing short titles or any reference to "this ordinance" within this Appendix A shall refer to  
9 the most current version of these regulations, as amended to date.

10  
11 The zoning district map referred to herein is entitled "Zoning District Map, Hernando  
12 County, Florida," and may be referred to as the "zoning district map" or "zoning map." The  
13 zoning district map shall be adopted and may be amended by resolution of the governing body.  
14 Such resolutions shall be adopted pursuant to the procedures and notice requirements to amend  
15 this zoning ordinance, as set forth in Article VI hereon.

16  
17 (Ord. No. 72-3, 4-28-72; 88-25, 8-10-88; \_\_\_\_\_)

18  
19 **SECTION VII. AMENDING APPENDIX A (ZONING), ARTICLE I (SHORT TITLE; DEFINITIONS),**  
20 **SECTION 3 (DEFINITIONS).** Appendix A (Zoning), Article I (Short Title; Definitions), Section 3  
21 (Definitions) is amended to read as follows, with underlined matter added and struck-through  
22 matter deleted: *[MUNICODE to check and renumber all definitions appropriately]*

23  
24 10. Applicant: A person who applies for any zoning permit or development approval  
25 under this zoning ordinance including but not limited to requests for conditional  
26 use permits, appeals, variances, special exception uses, zoning amendments, and  
27 master plan approvals. The applicant shall be the current property owner of  
28 record or such person duly authorized to act on behalf of the owner. "Petitioner"  
29 may be used interchangeably with "applicant" as the context dictates.

30  
31 19. Call Center: A business facility that primarily handles transactions, sales, service,  
32 administrative or technological support by telephone, computer or similar  
33 communication medium and does not otherwise generate public or outside traffic.

34  
35 37. Day: Any reference to 'day' or 'days' shall refer to a calendar day or calendar  
36 days unless otherwise specified; a specific reference to 'work days' shall refer to  
37 all calendar days less weekends and holidays observed by the county. When any  
38 act is required to be performed within a certain number of days, for purposes of  
39 computation of time, the first day will be excluded and the last day included  
40 unless the last day falls on a weekend or holiday observed by the county in which  
41 event the time for performance will be calculated from the next subsequent day  
42 which is not a weekend or a holiday observed by the county.

43  
44 64. Land development regulations: Includes all ordinances enacted by the governing  
45 body for the regulation of any aspect of development and includes any county

1 zoning, rezoning, subdivision, building construction, or sign regulations or any  
2 other regulations controlling the development of land or enacted in furtherance of  
3 s. 163.3202, Florida States, as such section may be amended or renumbered. The  
4 county's land Development Regulations includes those chapters and provisions  
5 listed in Chapter 23, Article VII, of the Hernando County Code of Ordinances and  
6 which this Appendix A is a component thereof.

7  
8 75. Mail List: A list which has been prepared and compiled by the Hernando County  
9 Property Appraiser's Office which lists all current property owners of record  
10 within a given radius from the property line of the subject parcel. The applicant  
11 shall be responsible for paying the Property Appraiser's Office for the costs  
12 associated with the preparation of the mail list. A mail list is a prerequisite to the  
13 mail notice required preceding a public workshop or hearing on any proposed  
14 request for a variance, conditional use permit, special exception use, zoning  
15 amendment, or other approval requiring a hearing under this zoning code.

16  
17 76. Mail Notice: The act of mailing notice, via U.S. first class mail, to the  
18 surrounding property owners identified in a mail list in connection with the county  
19 conducting a public workshop or hearing on any proposed request for a variance,  
20 conditional use permit, special exception use, zoning amendment, or other  
21 approval requiring a hearing under this zoning code. The mail notice shall, at a  
22 minimum, advise the recipient of the nature and location of the proposed request  
23 and the time, place and purpose of any public workshop or hearing in which the  
24 proposed request will be discussed.

25  
26 96. Planning department: Shall refer to such department, division, bureau, or section  
27 within county government that is responsible for planning and growth  
28 management functions for the unincorporated areas of Hernando County.

29  
30 98105. Public notice or due public notice: The term, "public notice", or "due public  
31 notice", as used in connection with the phrase "public hearing" or "hearings with  
32 due public notice" shall mean publication of notice of the time, place, and purpose  
33 of such hearing in a manner that complies with the notice provisions of this code  
34 or state law, whichever is applicable. Mail notice and sign notice, as these terms  
35 are defined herein, are components of public notice. Pursuant to the fee schedule  
36 and/or policies adopted by the county, the full cost of public notice may be borne  
37 by the applicant, including the costs related to any re-notice. at least two (2) times  
38 in a newspaper of general circulation in the area, with the first such publication to  
39 be at least fifteen (15) days prior to the date of the hearing and the second such  
40 publication to be at least five (5) days prior to the hearing. In addition, except  
41 where the hearing applies to all of the lands within the area, similar notices setting  
42 forth the time, place, and purpose of such hearing shall be mailed to the last  
43 known address of the owners of the property involved in or directly affected by  
44 the hearing, and such notices shall also be posted in a conspicuous place or places  
45 on or around such lots, parcels or tracts of lands as may be involved in or directly

1 affected by the hearing. Affidavit proof of the required publication, mailing, and  
2 posting of the notice shall be presented at the hearing.  
3

4 121. Sign Notice: The act of posting a sign or signs on a parcel, in such size, layout  
5 and location designated by the planning department, which advises of a proposed  
6 request for a variance, conditional use permit, special exception use, zoning  
7 amendment, or other approval requiring a hearing under this zoning code.  
8

9 135. Wineries: A wine making establishment devoted to the production, processing,  
10 distribution and sale of 'wine' and related products.  
11

12 **SECTION VIII. AMENDING APPENDIX A (ZONING), ARTICLE II (GENERAL REGULATIONS),**  
13 **SECTION 1 (APPLICATION OF REGULATIONS AND CLASSIFICATIONS OF STRUCTURES AND**  
14 **USES).** Appendix A (Zoning), Article II (General Regulations), Section 1 (Application of  
15 regulations and classifications of structures and uses) is amended to read as follows, with  
16 underlined matter added and struck-through matter deleted:  
17

18 **Section 1. Application of regulations and classification of structures and uses.**  
19

20 A. All existing and future structures and uses of premises within the unincorporated  
21 area of Hernando County, Florida, shall conform with all applicable provisions of this ordinance.  
22 Each zoning district is established to permit only those uses specifically listed as permitted  
23 except as hereinafter provided and is intended for the protection of those uses.  
24

25 B. The Administrative Official shall classify all existing and future structures and  
26 uses of premises based on the definitions as set forth in Article I and on the following schedule:  
27

28 *Land Use Classifications*  
29

30 *[Classifications 1 - 15 remain unchanged]*  
31

- 32 16. Business Training Schools  
33 a. Correspondence schools  
34 b. Business, computer, and stenographic schools  
35 c. Barber and beauty schools  
36 d. Art and music schools  
37 e. Dancing schools  
38 f. Schools devoted to tutoring  
39

40 17. Call Centers  
41

42 *[Classifications 18 - 90 remain unchanged but will be sequentially*  
43 *renumbered]*  
44

45 92. Wineries

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1 SECTION IX. AMENDING APPENDIX A (ZONING), ARTICLE II (GENERAL REGULATIONS),  
2 SECTION 2 (GENERAL REGULATIONS FOR STRUCTURES AND USES), SUBSECTION F  
3 (REGULATION OF COMMUNICATION TOWERS). Appendix A (Zoning), Article II (General  
4 Regulations), Section 2 (General regulations for structures and uses), Subsection F (Regulation  
5 of Communication Towers) is amended to read as follows, with underlined matter added and  
6 struck-through matter deleted:

7  
8 *[Subsections 1. - 8. remain unchanged]*  
9

- 10 9. *Residential Areas:* ~~The applicant for a communication tower in a residential area~~  
11 ~~or residential zoning district must~~ It is the desire of the governing body that  
12 communication towers are not located within residential areas or residential  
13 zoning districts wherever feasible; and instead encourage that communication  
14 towers are located within commercial, industrial and non-residential zoning  
15 districts provided that all other requirements of this zoning code can be met. In  
16 the event that it is not reasonably possible to provide wireless service to a  
17 particular residential area or residential zoning district without locating a  
18 communication tower in said area or district, then it shall be the applicant's  
19 burden to affirmatively demonstrate that said residential area or district areas  
20 cannot be adequately served from outside the said residential area or district and  
21 that alternate locations (including all non-residential locations capable of  
22 servicing the targeted wireless service area) are not available. "Residential area"  
23 for purposes of this subsection means any location which is predominated by  
24 residential dwelling units (e.g. single family homes, manufactured or mobile  
25 homes, town homes, condominiums and/or apartments) and which shares the  
26 characteristics of a common neighborhood. "Residential district," for purposes of  
27 this subsection, shall have the same meaning as provided under Article IV of this  
28 zoning code. "Not available" for purposes of this subsection means that a given  
29 property is either fully developed, not available for sale or lease at fair market  
30 value, outside of the range necessary to serve the targeted wireless area, or  
31 precluded from having a communication tower located thereon based on some  
32 other provision of this zoning code. "Adequately demonstrate" for purposes of  
33 this subsection means that the applicant has provided such data and analysis  
34 which identifies the area or district sought to be served by wireless service, which  
35 identifies the non-residential properties within that area or district (if any), and  
36 which describes all efforts and due diligence undertaken by the applicant to secure  
37 a location within a non-residential area or district. Communication towers may be  
38 excluded in a residential area or zoning district only in a manner that does not  
39 constitute an actual or effective prohibition of the provider's service in that  
40 residential area or zoning district.

41  
42 *[Subsections 10. - 14. remain unchanged]*  
43

- 44 15. Action by Governing Body: Upon a determination that an application for a  
45 communication tower is complete, the governing body shall conduct a public

1 hearing within the time frame set forth herein and otherwise meeting requirements  
2 of state law. At the public hearing on the application, should the governing body  
3 vote to deny an application to place, construct or modify a communications tower,  
4 the governing body's decision shall be reflected in a resolution giving the reason  
5 or reasons for the denial which shall be supported by substantial evidence.  
6 However, where a communications tower is sought to be located in a residential  
7 area or district, the applicant's failure to meet its burden under subsection 9 above  
8 shall constitute substantial evidence for purposes of a denial vote; for all non-  
9 residential areas or districts, the county shall have the burden to support its  
10 position by substantial evidence.

11  
12 **SECTION X. AMENDING APPENDIX A (ZONING), ARTICLE II (GENERAL REGULATIONS),**  
13 **SECTION 4 (GENERAL REGULATIONS FOR VEHICLES), SUBSECTION A (OFF-STREET PARKING**  
14 **SPACE AND ACCESS), SUBSECTION (6) (MINIMUM OFF-STREET PARKING SPACE**  
15 **REQUIREMENTS FOR AUTOMOBILES).** Appendix A (Zoning), Article II (General Regulations),  
16 Section 4 (General regulations for vehicles), Subsection A (Off-street parking space and access),  
17 Subsection (6) (Minimum off-street parking space requirements for automobiles) is amended to  
18 read as follows, with underlined matter added and struck-through matter deleted:

19  
20 *[(a) through (y) remains unchanged]*

21  
22 (z) Call centers: 1 space per employee or workstation, whichever is greater.  
23

24 **SECTION XI. AMENDING APPENDIX A (ZONING), ARTICLE IV (ZONING DISTRICT**  
25 **REGULATIONS), SECTION 1 (ESTABLISHMENT OF ZONING DISTRICTS), SUBSECTION A (ZONING**  
26 **DISTRICT DESIGNATION), SUBSECTION (22) (I-1 INDUSTRIAL DISTRICT).** Appendix A (Zoning),  
27 Article IV (Zoning District Regulations), Section 1 (Establishment of zoning districts),  
28 Subsection A (Zoning district designation), Subsection (22) (I-1 Industrial District) is amended to  
29 read as follows, with underlined matter added and struck-through matter deleted:  
30

31 (22) *I-1 Industrial District:* This district is designed to encourage and promote the  
32 development of a coordinated and related industrial complex in a general area that  
33 is large enough to meet the needs of several types and varieties of industrial  
34 activities. The characteristics of uses in this district include light industrial  
35 development, distribution, research and development, processing, storage and  
36 related intensive commercial uses. Outdoor storage and more intense industrial  
37 activities may be permitted subject to performance conditions.  
38

39 **SECTION XII. AMENDING APPENDIX A (ZONING), ARTICLE IV (ZONING DISTRICT**  
40 **REGULATIONS), SECTION 1 (ESTABLISHMENT OF ZONING DISTRICTS), SUBSECTION A (ZONING**  
41 **DISTRICT DESIGNATION), SUBSECTION (30) (I-2 HEAVY INDUSTRIAL DISTRICT).** Appendix A  
42 (Zoning), Article IV (Zoning District Regulations), Section 1 (Establishment of zoning districts),  
43 Subsection A (Zoning district designation), Subsection (30) (I-2 Heavy Industrial District) is  
44 amended to read as follows, with underlined matter added and struck-through matter deleted:  
45

- 1           (30) *I-2 Heavy Industrial District:* The purpose of the I-2 Heavy Industrial District is  
2 to provide areas for the establishment of heavy industrial uses necessary for the  
3 development of a sound and diversified economic base. Heavy industrial uses  
4 should be compatible within the overall area in which they are located. This  
5 district accommodates a broad range of industrial uses and typical uses include  
6 manufacturing, processing, production, assembly, warehousing, distribution and  
7 heavier type industrial uses which may involve extensive outdoor storage and  
8 activities which may result in significant impacts.  
9

10 **SECTION XIII. AMENDING APPENDIX A (ZONING), ARTICLE IV (ZONING DISTRICT**  
11 **REGULATIONS), SECTION 3 (COMMERCIAL DISTRICTS), SUBSECTION A (PERMITTED USES),**  
12 **SUBSECTION (1) (PERMITTED USES IN THE C-1 COMMERCIAL DISTRICT).** Appendix A  
13 (Zoning), Article IV (Zoning District Regulations), Section 3 (Commercial districts), Subsection  
14 A (Permitted uses), Subsection (1) (Permitted uses in the C-1 Commercial District) is amended  
15 to read as follows, with underlined matter added and struck-through matter deleted:  
16

17           The maximum building area permitted for single buildings or single site development  
18 with multiple buildings with the same use and owned and managed by the same entity in the  
19 commercial zoning districts provided for in this section shall be limited to sixty-five thousand  
20 (65,000) square feet. Any building, or single site development with multiple buildings with the  
21 same use and owned and managed by the same entity, greater than sixty-five thousand (65,000)  
22 square feet may apply for approval through the planned development project section of this  
23 ordinance.  
24

25           A. Permitted uses:

26  
27           (1) Permitted uses in the C-1 Commercial District shall be as follows:

- 28                   (a) Comparison goods stores  
29                   (b) Convenience goods stores with a limit of 12 vehicle fueling stations  
30                   (c) Personal service establishments  
31                   (d) Domestic and business service establishments  
32                   (e) Domestic and business repair establishments  
33                   (f) Business, professional and nonprofit organization offices  
34                   (g) Public offices  
35                   (h) Business training schools  
36                   (i) Restaurants with or without alcohol dispensation  
37  
38  
39  
40  
41  
42  
43  
44  
45

- 1 (j) Indoor commercial amusement establishments
- 2
- 3 (k) Indoor motion picture theaters
- 4
- 5 (l) Motels
- 6
- 7 (m) Hotels
- 8
- 9 (n) Automobile parking establishments
- 10
- 11 (o) Gasoline service stations with a limit of 12 vehicle fueling stations
- 12
- 13 (p) Light building material establishments
- 14
- 15 (q) Mortuaries, funeral homes
- 16
- 17 ( r) Antique stores
- 18
- 19 (s) Alcoholic beverage dispensation package and restaurants only
- 20
- 21 (t) Retail food stores
- 22
- 23 (u) Veterinary clinics with air conditioned, sound-attenuated runs
- 24
- 25 (v) Light marine establishments
- 26
- 27 (w) Fire stations and state, county and municipal police stations
- 28
- 29 (x) Light domestic rental establishments
- 30
- 31 (y) Auto parts establishments
- 32
- 33 (z) Dry cleaning establishments
- 34
- 35 (aa) One (1) single-family dwelling unit (minimum of six hundred (600) square
- 36 feet) per commercial parcel in conjunction with the operation of business
- 37 on the premises; such single-family dwelling unit shall be an integral part
- 38 of the principal business structure and located behind or above that portion
- 39 of the business structure devoted to service to the public
- 40
- 41 (bb) Day care centers and preschools
- 42
- 43 (cc) Automobile service establishments limited to four (4) service bays
- 44
- 45 (dd) Places of Public Assembly

- 1 (ee) Fraternal organizations
- 2
- 3 (ff) Secondhand stores
- 4
- 5 (gg) Retail plant nurseries with outside storage limited to plants and packaged
- 6 products
- 7
- 8 (hh) Auto glass establishments
- 9
- 10 (ii) Aircraft parts establishments
- 11
- 12 (jj) Nursing care homes
- 13
- 14 (kk) Light construction service establishments
- 15
- 16 (ll) Call Centers
- 17

18 **SECTION XIV. AMENDING APPENDIX A (ZONING), ARTICLE IV (ZONING DISTRICT),**  
19 **SECTION 3 (COMMERCIAL DISTRICTS), SUBSECTION A (PERMITTED USES), SUBSECTION (2)**  
20 **(PERMITTED USES IN A C-2 HIGHWAY COMMERCIAL DISTRICT).** Appendix A (Zoning), Article  
21 IV (Zoning District Regulations), Section 3 (Commercial districts), Subsection A (Permitted  
22 uses), Subsection (2) (Permitted uses in a C-2 Highway Commercial District) is amended to read  
23 as follows, with underlined matter added and struck-through matter deleted:  
24

- 25 (2) Permitted uses in a C-2 Highway Commercial District shall be as follows:
- 26
- 27 (a) Any use permitted in a C-1 General Commercial District
- 28
- 29 (b) Drive-in restaurants
- 30
- 31 (c) Automotive dealer establishments, including the principal selling of used
- 32 cars
- 33
- 34 (d) Tire and automotive accessory establishments
- 35
- 36 (e) Automotive specialty establishments
- 37
- 38 (f) Automotive and truck rental establishments
- 39
- 40 (g) Automobile dealer establishments for the principal selling of new cars
- 41 with service establishments including body shops
- 42
- 43 (h) Automobile and truck repair establishments excluding body shops
- 44
- 45 (i) Veterinarian and animal clinics or hospital service establishment



- 1 (j) Alcoholic beverage dispensation
- 2
- 3 (k) Publishing and printing service establishments
- 4
- 5 (l) Domestic rental establishments
- 6
- 7 (m) Crematories
- 8
- 9 (n) Public transportation terminals for buses and taxis only
- 10
- 11 (o) Light construction service establishments
- 12
- 13 (p) Retail plant nurseries
- 14
- 15 (q) Mini-warehouses
- 16
- 17 ( r) One (1) single-family dwelling unit (minimum of six hundred (600) square
- 18 feet) per commercial parcel in conjunction with the operation of a business
- 19 on the premises; such single-family dwelling unit shall be an integral part
- 20 of the principal business structure and located behind or above that portion
- 21 of the business structure devoted to service to the public
- 22
- 23 (s) Boat sales and service with or without outside display
- 24
- 25 (t) Light farm equipment and supply establishments
- 26
- 27 (u) Light landscaping service establishments
- 28
- 29 (v) Automobile service establishments
- 30

31 **SECTION XV. AMENDING APPENDIX A (ZONING), ARTICLE IV (ZONING DISTRICT),**  
32 **SECTION 3 (COMMERCIAL DISTRICTS), SUBSECTION A (PERMITTED USES), SUBSECTION (4)**  
33 **(PERMITTED USES IN A C-4 HEAVY HIGHWAY COMMERCIAL DISTRICT).** Appendix A  
34 (Zoning), Article IV (Zoning District Regulations), Section 3 (Commercial districts), Subsection  
35 A (Permitted uses), Subsection (4) (Permitted uses in a Heavy Highway Commercial District) is  
36 amended to read as follows, with underlined matter added and struck-through matter deleted:  
37

- 38 (4) Permitted uses in a C-4 Heavy Highway Commercial District shall be as follows:
- 39
- 40 (a) Automobile and truck repair establishments.
- 41
- 42 (b) Welding shops.
- 43
- 44 (c) Cabinet shops.
- 45

- 1           (d)    ~~Reserved: Domestic and business service establishments.~~
- 2
- 3           (e)    Fire stations and state, county and municipal police stations.
- 4
- 5           (f)    Light wholesale and storage establishments.
- 6
- 7           (g)    Truck service centers.
- 8
- 9           (h)    Laundry and dry cleaning plants.
- 10
- 11          (i)    One single-family dwelling unit (minimum of six hundred (600) square
- 12                feet) per commercial parcel in conjunction with the operation of a business
- 13                on the premises; such single-family dwelling unit shall be an integral part
- 14                of the principal business structure and located behind or above that portion
- 15                of the business structure devoted to service to the public.
- 16
- 17          (j)    Outdoor advertising service establishments.
- 18
- 19          (k)    Automobile service establishments.
- 20
- 21          (l)    Light manufacturing with or without outside storage.
- 22
- 23          (m)    Construction service establishments.
- 24
- 25          (n)    Domestic rental services.
- 26
- 27          (o)    Miniwarehouses.
- 28
- 29          (p)    Publishing and printing service establishments.
- 30
- 31          (q)    Aircraft parts establishment.
- 32
- 33          (r)    Monopole towers one hundred fifty (150) feet or less in height.
- 34
- 35          (s)    Recycling collection facility.
- 36

37   **SECTION XVI. AMENDING APPENDIX A (ZONING), ARTICLE IV (ZONING DISTRICT),**  
38   **SECTION 4 (INDUSTRIAL DISTRICTS), SUBSECTION (1) (PERMITTED USES IN I-1 LIGHT**  
39   **INDUSTRIAL DISTRICT).** Appendix A (Zoning), Article IV (Zoning District Regulations), Section  
40   4 (Industrial districts), Subsection (1) (*Permitted uses in I-1 Light Industrial District*) is amended  
41   to read as follows, with underlined matter added and struck-through matter deleted:

- 42
- 43           (1)    Permitted uses in I-1 *Light Industrial District*: Permitted uses in the I-1 Light
- 44                Industrial District shall be as follows:
- 45

- 1 (a) Light manufacturing
- 2
- 3 (b) Light wholesale and storage establishments
- 4
- 5 (c) Light outdoor advertising service establishments
- 6
- 7 (d) Light research, development and testing laboratories
- 8
- 9 (e) Light motor freight transportation establishments
- 10
- 11 (f) Aircraft parts establishments
- 12
- 13 (g) Automobile and truck repair establishments
- 14
- 15 (h) Welding shops
- 16
- 17 (i) Cabinet shops
- 18
- 19 (j) Automobile service establishments
- 20
- 21 (k) Domestic rental services
- 22
- 23 (l) Miniwarehouses
- 24
- 25 (m) Publishing and printing service establishments
- 26
- 27 (n) Monopole Towers 150 feet or less in height
- 28
- 29 (o) Recycling Collection Facility
- 30
- 31 (p) Domestic and business service establishments
- 32
- 33 (q) Construction service establishments
- 34

35 **SECTION XVII. AMENDING APPENDIX A (ZONING), ARTICLE IV (ZONING DISTRICT),**  
36 **SECTION 6 (RURAL DISTRICTS), SUBSECTION A (AGRICULTURAL DISTRICT), SUBSECTION (3)**  
37 **(SPECIAL EXCEPTION USES).** Appendix A (Zoning), Article IV (Zoning District Regulations),  
38 Section 6 (Rural districts), Subsection A (*Agricultural District*), Subsection (3) (*Special*  
39 *Exception Uses*) is amended to read as follows, with underlined matter added and struck-through  
40 matter deleted:

- 41
- 42 (3) *Special Exception Uses*: In the agricultural district the following are special
- 43 exception uses that may be approved and may be subject to other ordinance
- 44 provisions:
- 45

- 1 (a) Retail sales on the premises of permitted agricultural products and services  
2 produced on the premises: provided, that where such products or services  
3 are sold from roadside stand, such stand shall be set back from any public  
4 street right-of-way at least seventy-five (75) feet and shall be provided  
5 with automobile access and off-street parking space in such a manner so as  
6 to not create an undue traffic hazard on the street on which such roadside  
7 stand is located.
- 8
- 9 (b) Paint Ball ranges.
- 10
- 11 (c) Boat, canoe, motorcycle, bicycle and off-road vehicle rental establishments  
12 where rental items are used on the premises.
- 13
- 14 (d) Commercial fishing ponds.
- 15
- 16 (e) Home occupations.
- 17
- 18 (f) Dude ranches.
- 19
- 20 (g) Commercial riding stables.
- 21
- 22 (h) Private Airstrips.
- 23
- 24 (i) Hunting camps.
- 25
- 26 (j) Fishing camps.
- 27
- 28 (k) Government research and associated educational facilities.
- 29
- 30 (l) Bed and breakfast establishments.
- 31
- 32 (m) Horse Shows with maximum seating capacity for fifty (50) persons.
- 33
- 34 (n) Rodeos with maximum seating capacity for fifty (50) persons.
- 35
- 36 (o) Livestock auctions.
- 37
- 38 (p) Exotic Animal Specialty Farms.
- 39
- 40 (q) Wineries on a minimum of 20 acres.
- 41

42 **SECTION XVIII. AMENDING APPENDIX A (ZONING), ARTICLE V (ADMINISTRATION),**  
43 **SECTION 4 (CONDITIONAL USE PERMIT).** Appendix A (Zoning), Article V (Administration),  
44 Section 4 (Conditional use permit) is amended to read as follows, with underlined matter added  
45 and struck-through matter deleted:

1     **Section 4. Conditional use permit.**  
2

3             The conditional use permit is intended to be utilized as a special permit which  
4 temporarily allows uses not otherwise permitted by this ordinance for a specified period of time.  
5

6             A.     *Conditional use allowable in any zoning district with planning and zoning*  
7                     *commission approval:*  
8

- 9                     (1)     Temporary real estate sales office exclusively for real estate sales of  
10                             property in a developing subdivision.  
11  
12                     (2)     Temporary second principal building on one lot of record in cases of  
13                             extreme personal hardship, etc.  
14  
15                     (3)     Temporary structures.  
16  
17                     (4)     Temporary uses, other than those permitted as accessory uses and  
18                             structures in all commercial districts.  
19  
20                     (5)     Seasonal sales of plants or plant materials which are not accessory to  
21                             churches, schools or fraternal organizations as principal uses of property.  
22  
23                     (6)     Uses allowable by special exception use permit.  
24

25             B.     *Other conditional uses permitted in specific zoning districts with planning and*  
26                     *zoning commission approval:*  
27

- 28                     (1)     Conditional uses other than those listed above may be permitted in specific  
29                             zoning districts as provided for in this ordinance.  
30

31             C.     *Conditional use permits allowable in any zoning category with administrative*  
32                     *official approval:*  
33

- 34                     (1)     Carnivals, circuses, tent revivals, festivals and special events of a similar  
35                             nature where any associated retail sales are incidental to the use and not a  
36                             principal or primary aspect of the use. The sale of alcoholic beverages in  
37                             association with these types of events are exempt from the minimum  
38                             separation distance for the sale of alcoholic beverages from a church or  
39                             school.  
40  
41                     (2)     Conditional use permits approved by the administrative official may be  
42                             issued for a period not to exceed four (4) weeks.  
43

1 D. *Application procedure:*

2  
3 (1) ~~A~~ This provision shall govern applications for all conditional use permits:

4  
5 (a) The application for a conditional use permit hereunder shall be in  
6 the form prescribed by the rules of the governing body planning  
7 department or the administrative official and requires shall include  
8 a site plan which, at a minimum, depicts the proposed conditional  
9 use in relation to the parcel of property on which it is to be located  
10 and adjoining properties, parking, access, buffers, depicting the  
11 proposed conditional use in relation to the parcel of property on  
12 which it is to be located and adjoining properties:

13  
14 (b) The application shall be signed by the property owner or  
15 accompanied by an affidavit of written permission by the property  
16 owner of record and any shall include payment of any applicable  
17 application fees.

18  
19 (c) A public contact person must be designated on the application.  
20 The public contact person would be required to answer questions  
21 and provide information to the public.

22  
23 (d) Depending upon the size, location or complexity of the requested  
24 conditional use, planning department staff may request additional  
25 information. It is the ultimate responsibility of the property owner  
26 or designated agent to ensure that the application is complete and  
27 sufficient and all requested information and materials have been  
28 provided to county staff.

29  
30 (2) The applicant, upon being first advised by the planning department that the  
31 application is incomplete or insufficient, shall have a total of one hundred  
32 and eighty (180) days to correct all completeness and sufficiency  
33 deficiencies. If the applicant fails or refuses to correct such deficiencies  
34 within this period, the said application shall be deemed abandoned and  
35 void. Any applicant whose application is declared abandoned or void  
36 under this provision may re-file such application at a subsequent date,  
37 without prejudice, upon payment of all required fees and submitting a  
38 complete and sufficient application.

39  
40 (3) Upon an applicant being advised by the planning department that the  
41 application is complete and sufficient, a public hearing shall be promptly  
42 scheduled at the next available planning and zoning commission meeting  
43 allowing sufficient time for public notice and advertising. At the request  
44 of the commission, the governing body or the applicant, any scheduled  
45 public hearing may be continued until a date certain (which date shall be

1           set by the commission or the governing body, respectively, in their sole  
2           discretion). Notwithstanding the foregoing, the commission shall render a  
3           decision on the merits of the application within one hundred and eighty  
4           (180) days of the applicant being advised that the application is complete  
5           and sufficient. It shall be the responsibility of the applicant to ensure that  
6           its application is scheduled and acted upon in a timely fashion. Any  
7           application not acted on by the commission within said one hundred and  
8           eighty (180) day period shall be deemed abandoned and void, and such  
9           application shall be closed out by the planning department with no refunds  
10           of any fees paid by the applicant. Any applicant whose application is  
11           declared abandoned or void under this provision may re-file such  
12           application at a subsequent date, without prejudice, upon payment of all  
13           required fees and submitting a complete and sufficient application.

14  
15       (3)    E.        Public Inquiry Workshop:

16  
17           Upon determination of need by the County staff based upon the number of public  
18           inquiries or the size, location or and complexity of the proposed project, the applicant shall be  
19           required to conduct a Public Inquiry Workshop prior to the scheduling of a public hearing on the  
20           application at a location convenient to the site in question and appropriate for public assembly in  
21           Hernando County prior to the hearing as follows.

- 22  
23           a. (1)   The applicant shall provide sign notice by posting the property a minimum  
24           of ten (10) days prior to the scheduled workshop with a Public Inquiry  
25           Workshop notice sign as supplied by the County Administrator or  
26           designee planning department. The sign notice hereunder shall be in  
27           addition to all other sign notice requirements under this article.  
28  
29           b. (2)   The applicant shall provide mail a notice a minimum of ten (10) days prior  
30           to the scheduled Public Inquiry Workshop via regular mail giving the time,  
31           place and purpose of the meeting to each property owner within two  
32           hundred fifty (250) five hundred feet (500') of the parcel covered by the  
33           application based on the mail list generated by the Property Appraiser's  
34           Office. The list of adjacent property owners shall be the same as for the  
35           public hearing application. The applicant shall provide the planning  
36           department a copy of the mail list and a notarized affidavit indicating that  
37           said notice was mailed. The mail notice hereunder shall be in addition to  
38           all other mail notice provisions under this article.  
39  
40           c. (3)   The applicant shall provide a Citizen Sign-in sheet and executive summary  
41           explaining what information was provided to the public at the meeting to  
42           the County accompanied by a notarized affidavit indicating that the list is  
43           an official record of attendance at the meeting. The Citizen Sign-In sheet  
44           and executive summary will become a part of the official application file.  
45

1           (2) F. Notice requirements for public hearing:

2  
3           (1) If a public hearing before the Planning and Zoning Commission or Board  
4 of County Commissioners is required or requested by appeal hereunder,  
5 upon fixing a date for the public hearing the petitioner applicant shall  
6 provide sign notice by posting the property with a public notice sign as  
7 supplied by the ~~County Administrator or designee~~ planning department.  
8 The notice shall be posted in a conspicuous location at the front lot line at  
9 least ten (10) days prior to the scheduled hearing date. It is the  
10 responsibility of the petitioner applicant to ensure that the sign(s) are  
11 appropriately posted and remain on the property during the public hearing  
12 process in a legible condition. If the condition of the sign(s) deteriorate  
13 through the process, it shall be the responsibility of the petitioner applicant  
14 to repost the property at no cost to the county. Failure to maintain the  
15 signs in accordance with this section may result in a delay of the public  
16 hearing process. The petitioner applicant shall be responsible for removal  
17 of the sign(s) within 10 days of the date the decision on the petitioner  
18 applicant's application becomes final or the date of appeal of a commission  
19 or governing body decision for judicial determination, whichever comes  
20 first. Failure to timely remove any such sign(s) is prohibited.

21  
22           (2) Additionally, the ~~County Administrator or designee~~ planning department  
23 shall provide mail a notice giving the time, place, and purpose of the  
24 meeting public hearing to each property owner within two hundred fifty  
25 (250) feet of the parcel covered by the application based upon the mail list  
26 generated by the Property Appraiser's Office and furnished by the  
27 applicant. The notice shall be mailed at least ten (10) days prior to the  
28 scheduled meeting public hearing date.

29  
30           (4 3) The petitioner applicant shall be responsible for all costs incurred in the  
31 notice procedure for the public inquiry workshop and the public hearing.

32  
33           E G. Issuance of permit:

34  
35           (1) After the application and accompanying information has been received and  
36 processed by the development department, those applications submitted  
37 for conditional use permits allowable in any zoning category with  
38 administrative official approval shall be approved or denied by the  
39 administrative official within fourteen (14) days, unless referred to the  
40 planning and zoning commission for review and action. The  
41 administrative official's decision may be appealed to the board of county  
42 commissioners.

43  
44           (2) All other applications for conditional use permits must be reviewed and  
45 acted upon by the planning and zoning commission.



1 (3) No conditional use permit shall be issued for a period to exceed two (2)  
2 years unless otherwise specified in this ordinance. However, conditional  
3 use permits may be renewed or extended upon reapplication.  
4

5 (4) All conditional uses must meet the minimum requirements of the county's  
6 land development regulations unless specific deviations are requested and  
7 approved.  
8

9 F H. *Review by governing body.* The governing body, by a majority vote, may decide  
10 to review any conditional use permit decision rendered by the planning and zoning  
11 commission.  
12

13 The decision of the governing body to review such decision must be made within thirty  
14 (30) days of the rendering of the decision of the planning and zoning commission. If at least a  
15 majority (three (3) members) of the governing body do not vote to review the commission action  
16 within thirty (30) days, the commission decision shall be deemed final and subject only to review  
17 by circuit court.  
18

19 The initial review of the decision by the governing body shall be at a public hearing held  
20 within sixty (60) days of the commission decision. Public notice, for this subsection, shall mean  
21 publication of notice of the time, place and purpose of such hearing one time in a newspaper of  
22 general circulation in the county, such publication to be at least five (5) days prior to such  
23 hearing. ~~and such notice shall be posted in a conspicuous place or places on or around such lots,~~  
24 ~~parcels or tracts of lands as maybe involved in the hearing.~~ Mail notice and sign notice shall be  
25 provided in the same manner as the public hearing before the planning and zoning commission.  
26 Affidavit proof of the required publication and posting of the notice shall be presented at the  
27 hearing.  
28

29 At the public hearing, the governing body may affirm, modify or reverse the decision of  
30 the planning and zoning commission.  
31

32 **SECTION XIX. AMENDING APPENDIX A (ZONING), ARTICLE V (ADMINISTRATION),**  
33 **SECTION 8 (SPECIAL EXCEPTION USE REGULATIONS).** Appendix A (Zoning), Article V  
34 (Administration), Section 8 (Special exception use regulations) is amended to read as follows,  
35 with underlined matter added and struck-through matter deleted:  
36

37 **Section 8. Special exception use regulations.**  
38

39 Special exception uses may be permitted in those zoning districts where designated by  
40 this ordinance but only when specifically approved by the planning and zoning commission in  
41 accordance with the provisions of ~~this ordinance~~ hereunder. All special exception uses shall be  
42 subject to the following regulations unless otherwise stated in this ~~ordinance~~ article.  
43

44 A. *{Powers and duties. }* In considering the granting of a special exception permit,  
45 the planning and zoning commission shall have the following powers and duties:

- 1 (1) The Commission shall hear and decide on applications for special exception use  
2 permits; to decide such questions as are involved in the determination of when  
3 special exceptions should be granted; to grant special exceptions with appropriate  
4 conditions and safeguards; to deny special exceptions when not in harmony with  
5 the purpose and intent of the Land Development Regulations.  
6  
7 (2) In granting any special exception, the Commission shall find that such grant will  
8 not adversely affect the public interest.  
9  
10 (3) In granting any special exception, the Commission may prescribe appropriate  
11 conditions and safeguards in conformity with the Land Development Regulations.  
12 Violation of such conditions and safeguards, when made a part of the terms under  
13 which the special exception is granted, shall be deemed a violation of this  
14 ordinance.  
15  
16 (4) If a developer fails to ~~initiate substantial construction~~ obtain a building permit for  
17 the vertical construction of the principal or primary building within a period of not  
18 more than two (2) years from the approval date or the special exception use is not  
19 established during this period, then the special exception use permit shall be null  
20 and void.  
21  
22 (5) Where deemed appropriate by the Commission, an application for a special  
23 exception may be approved as a conditional use subject to the limitations and  
24 requirements thereof, including reasonable time limits on such use.  
25

26 B. *Special exception general standards.* All special exception uses shall be subject  
27 to the following regulations:  
28

- 29 (1) *Uses.* The premises of a special exception use shall be used for only those  
30 buildings, uses and accessory buildings specifically indicated by the commission  
31 in its approval of the special exception use.  
32  
33 (2) *Compatibility.* The tract of land must be suitable for the type of special exception  
34 use proposed by virtue of its location, shape, topography and the nature of  
35 surrounding development.  
36  
37 (3) *Standards.* Required standards and regulations for special exception uses and  
38 buildings are as follows:  
39  
40 (a) All special exception uses shall be subject to the general regulations for  
41 structures and uses, lots and yards and vehicles contained in this ordinance  
42 for principal building and single lot development as well as the specific  
43 dimension and area regulations for lots and structures in the specific  
44 zoning district in which the special exception use is proposed.  
45

- 1 (b) Minimum lot frontage on a street shall be sufficient to permit properly  
2 spaced and located access points designed to serve the type of special  
3 exception use proposed. The proposed use shall not attract inappropriate  
4 traffic volumes, noise or congestion. Wider spacing between access points  
5 and intersection street right-of-way lines should be required when the lot  
6 has more than the minimum required frontage on a street. All access points  
7 shall be specifically approved by the administrative official.  
8
- 9 (c) All buildings should be located an adequate distance from all property  
10 lines and street right-of-way lines. Greater building setback lines should be  
11 required when the lot has more than the minimum lot area required or  
12 when deemed necessary to protect surrounding properties.  
13
- 14 (d) Landscaped separation shall be provided along all property lines and along  
15 all streets serving the premises in conformance with the Hernando County  
16 Community Appearance Ordinance and as required by the planning and  
17 zoning commission. The premises shall be permanently screened from  
18 adjoining and contiguous properties by a wall, fence, evergreen hedge  
19 and/or other approved enclosure when deemed necessary to buffer the  
20 special exception use from surrounding areas.  
21
- 22 (e) The use shall be of a similar architectural scale to existing neighborhood  
23 development or take advantage of an existing building for its purposes.  
24
- 25 (f) Visual and functional conflict between the proposed use and nearby  
26 neighborhood uses, if existent, shall be minimal.  
27
- 28 (g) For special exception uses on local streets, traffic generation rates and  
29 traffic distribution rates associated with the proposed use will be reviewed  
30 to determine whether they exceed those typically associated with local  
31 street traffic.  
32
- 33 (4) *Signs permitted:* Sign location and size shall be indicated on the site plan  
34 submitted with the special exception use permit. The planning and zoning  
35 commission may approve signage up to the maximum allowed in the land  
36 development regulations regarding signs.  
37
- 38 (5) *Special exception runs with the land.* A special exception applies to the property  
39 for which it is granted and not to the individual who applies for it. A special  
40 exception which has not been discontinued as provided for herein, voluntarily  
41 relinquished by the property owner or has become void by operation of law is  
42 transferable to any future owner of the land, but it cannot be transferred by the  
43 applicant to a different site. Further, the special exception shall become null and  
44 void if the parcel of land granted the special exception is reduced in size from the  
45 original approval size, the use for which the special exception is granted is

1            discontinued for a period of two (2) consecutive years or the property owner  
2            voluntarily relinquishes the special exception use by notifying the county in  
3            writing. Nothing herein shall prevent a property owner that has lost, discontinued  
4            or relinquished any special exception use from reapplying by filing a new  
5            application and paying all required fees.

6  
7            C.    *Special exception uses:*

8  
9            (1)    The following special exception uses ~~only~~ may be approved in all zoning districts:

- 10            (a)    Educational facilities.  
11  
12            (b)    Noncommercial amusement facilities.  
13  
14            (c)    Cemeteries.  
15  
16            (d)    Hospitals.  
17  
18            (e)    Nursing care homes.  
19  
20            (f)    Places of public assembly.  
21  
22            (g)    Child care facilities (more than five (5) children unrelated to the operator).  
23  
24            (h)    Substance-abuse rehabilitation facilities.  
25  
26            (i)    Congregate care homes and facilities.  
27  
28            (j)    Community residential homes which do not meet the exemption  
29            requirements.  
30  
31            (k)    Charitable organizations.

32  
33  
34            (2)    Specified zoning districts. Other special exception uses may be approved in only  
35            those zoning districts where they are designed as special exception uses under the  
36            zoning district regulations of this ordinance.

37  
38            D.    *Application procedure:*

39  
40            (1)    ~~★~~ This provision shall govern all applications for a special exception use permit.:

- 41  
42            (a)    The application for a special exception use permit shall be in the form  
43            prescribed by the ~~rules of the governing body~~ planning department and  
44            shall include a site plan (which, at a minimum, depicts the proposed

1                   special exception use in relation to the parcel of property on which it is to  
2                   be located and adjoining properties, parking, access, buffers).

3  
4           (b)   The application shall be signed by the property owner or accompanied by  
5           an affidavit of written permission by the property owner of record and  
6           shall include payment of any applicable application fees.

7  
8           (c)   A public contact person must be designated on the application. The public  
9           contact person will be required to answer questions and provide  
10          information regarding the request to the public.

11  
12          (d)   Depending upon the size, location or complexity of the requested special  
13          exception, planning department staff may request additional information.  
14          It is the ultimate responsibility of the property owner or designated agent  
15          to ensure that the application is complete and sufficient and all requested  
16          information and materials have been provided to county staff.

17  
18          (2)   The applicant, upon being first advised by the planning department that the  
19          application is incomplete or insufficient, shall have a total of one hundred and  
20          eighty (180) days to correct all completeness and sufficiency deficiencies. If the  
21          applicant fails or refuses to correct such deficiencies within this period, the said  
22          application shall be deemed abandoned and void. Any applicant whose  
23          application is declared abandoned or void under this provision may re-file such  
24          application at a subsequent date, without prejudice, upon payment of all required  
25          fees and submitting a complete and sufficient application.

26  
27          (3)   Upon an applicant being advised by the planning department that the application  
28          is complete and sufficient, a public hearing shall be promptly scheduled at the  
29          next available planning and zoning commission meeting allowing sufficient time  
30          for public notice and advertising. At the request of the commission, the governing  
31          body or the applicant, any scheduled public hearing may be continued until a date  
32          certain (which date shall be set by the commission or the governing body,  
33          respectively, in their sole discretion). Notwithstanding the foregoing, the  
34          commission shall render a decision on the merits of the application within one  
35          hundred and eighty (180) days of the applicant being advised that the application  
36          is complete and sufficient. It shall be the responsibility of the applicant to ensure  
37          that its application is scheduled and acted upon in a timely fashion. Any  
38          application not acted on by the commission within said one hundred and eighty  
39          (180) day period shall be deemed abandoned and void, and such application shall  
40          be closed out by the planning department with no refunds of any fees paid by the  
41          applicant. Any applicant whose application is declared abandoned or void under  
42          this provision may re-file such application at a subsequent date, without prejudice,  
43          upon payment of all required fees and submitting a complete and sufficient  
44          application.

1  
2  
3 E. *Public inquiry workshop.*  
4

5 (1) Upon determination of need by the County staff based upon the number of public  
6 inquiries or the size and complexity of the proposed project, the applicant shall be  
7 required to conduct a Public Inquiry Workshop prior to the scheduling of a public  
8 hearing on the application at a location convenient to the site in question and  
9 appropriate for public assembly in Hernando County prior to the action by the  
10 Governing Body as follows.

11  
12 a. The applicant shall provide sign notice by posting the property a minimum  
13 of ten (10) days prior to the scheduled workshop with a Public Inquiry  
14 Workshop notice sign as supplied by the ~~County Administrator or~~  
15 designee planning department. The sign notice hereunder shall be in  
16 addition to all other sign notice requirements under this article.

17  
18 b. The applicant shall provide mail a notice a minimum of ten (10) days prior  
19 to the scheduled Public Inquiry Workshop, via regular mail giving the  
20 time, place and purpose of the meeting to each property owner within ~~two~~  
21 hundred fifty (250) five hundred feet (500') of the parcel covered by the  
22 application based on the mail list generated by the Property Appraiser's  
23 Office. ~~The list of adjacent property owners shall be the same as for the~~  
24 ~~public hearing application.~~ The applicant shall provide the planning  
25 department a copy of the mail list and a notarized affidavit indicating that  
26 said notice was mailed. The mail notice hereunder shall be in addition to  
27 all other mail notice provisions under this article.

28  
29 c. The applicant shall provide a Citizen Sign-in sheet and executive summary  
30 explaining what information was provided to the public at the meeting to  
31 the County accompanied by a notarized affidavit indicating that the list is  
32 an official record of attendance at the meeting. The Citizen Sign-In sheet  
33 and executive summary will become a part of the official application file.

34  
35 (2) The ~~petitioner~~ applicant shall be responsible for all costs incurred in the notice  
36 procedure for the public inquiry workshop and the public hearing.

37  
38 F. *Required notice for public hearing:*  
39

40 (1) Publication notice. The county administrator or designee shall cause a notice of  
41 the time, place and purpose of a special exception hearing to be published in a  
42 newspaper of general circulation in the county at least ten (10) days in advance of  
43 the hearing.  
44

1 (2) *Mail notice:*  
2

3 (a) The ~~county administrator or designee~~ planning department shall provide  
4 mail ~~similar notices setting forth giving~~ the time, place, and purpose of the  
5 meeting public hearing to the owner of every parcel of land each property  
6 owner within two hundred fifty (250) feet ~~in any direction from the~~  
7 property line of the land in question parcel covered by the application  
8 based upon the mail list generated by the Property Appraiser's Office and  
9 furnished by the applicant. The notice shall be mailed at least ten (10)  
10 days prior to the scheduled meeting public hearing date.  
11

12 (b) ~~Notice shall be mailed to the owner's current address of record maintained~~  
13 ~~by the assessor of taxes of the governing body and shall be postmarked no~~  
14 ~~later than ten (10) days prior to the scheduled hearing date. The county~~  
15 ~~administrator or designee shall present an affidavit or mailing certification~~  
16 ~~certifying compliance with the notice requirement of this section, along~~  
17 ~~with a list of the persons and addresses to which notices were mailed, at~~  
18 ~~the time of the hearing.~~  
19

20 (3) *Sign posting notice.* The applicant shall provide sign notice by posting sign(s) on  
21 the proposed special exception parcel at least ~~fifteen (15)~~ ten (10) days in advance  
22 of the public hearing.  
23

24 (a) Such sign shall have the size, shape, design and color determined by the  
25 county administrator or designee. The following information shall be  
26 printed or otherwise made to appear on the sign:

27 PUBLIC NOTICE  
28 SPECIAL EXCEPTION HEARING  
29 PLANNING AND ZONING COMMISSION  
30 HERNANDO COUNTY, FLORIDA  
31 (insert date, meeting time, and location)  
32 PROPOSED SPECIAL EXCEPTION  
33 (description of special exception)  
34

35 (b) The sign(s) furnished by the county administrator or designee shall be  
36 posted by the applicant along each front lot line with the bottom of the  
37 sign at least three (3) feet above grade on the property being considered for  
38 a special exception. The sign cards shall be posted at the outer property  
39 line along the road or street frontage and shall be clearly visible. If the  
40 frontage is in excess of three hundred (300) feet, posting of the signs shall  
41 be determined by the county administrator or designee. In cases where the  
42 property does not have frontage on a road, the sign cards shall be posted at  
43 the property corners and where the access road intersects with the nearest  
44 county road.  
45

1 (c) After the signs are posted, the ~~petitioner~~ applicant shall prepare an  
2 affidavit certifying that the required signs were posted, including a  
3 description of the parcel of land on which the signs were placed. This  
4 affidavit must be filed with the County Administrator or designee prior to  
5 the public hearing. The County Administrator or designee shall make  
6 affidavit forms available for use by the applicant. It is the responsibility of  
7 the ~~petitioner~~ applicant to ensure that the sign(s) are appropriately posted  
8 and remain on the property during the public hearing process in a legible  
9 condition. If the condition of the sign(s) deteriorate through the process, it  
10 shall be the responsibility of the ~~petitioner~~ applicant to repost the property  
11 at no cost to the county. Failure to maintain the signs in accordance with  
12 this section may result in a delay of the public hearing process. The  
13 ~~petitioner~~ applicant shall be responsible for removal of the sign(s) within  
14 10 days of the date the decision on the ~~petitioner~~ applicant's application  
15 becomes final or the date of appeal of a commission or governing body  
16 decision for judicial determination, whichever comes first. Failure to  
17 timely remove any such sign(s) is prohibited.  
18

19 G. *Fees.* The applicant shall pay all costs and expenses in connection with public  
20 notice of such hearing and related notices in addition to any other fee required for administration.  
21

22 H. *Rejected special exception use permit:* The commission may refuse to review any  
23 proposed special exception use permit which has been rejected by the commission within the past  
24 twelve month period. For purposes of this section, a special exception use permit request for the  
25 same land use classification will not be scheduled within the twelve month time period without  
26 approval by the commission. ~~A petitioner~~ An applicant must make a written request to the  
27 commission for review and decision at a public meeting as to whether the commission wishes to  
28 hear the request within the twelve-month period.  
29

30 I. *Review by governing body.* The governing body, by a majority vote, may decide  
31 to review any special exception decision rendered by the planning and zoning commission.  
32

33 The decision of the governing body to review such decision must be made within thirty  
34 (30) days of the rendering of the decision of the planning and zoning commission. If at least a  
35 majority (three (3) members) of the governing body do not vote to review the commission action  
36 within thirty (30) days, the commission decision shall be deemed final and subject only to review  
37 by circuit court.  
38

39 The initial review of the decision by the governing body shall be at a public hearing held  
40 within sixty (60) days of the commission decision. "Public notice," for this subsection, shall  
41 mean publication of notice of the time, place and purpose of such hearing one time in a  
42 newspaper of general circulation in the county, such publication to be at least five (5) days prior  
43 to such hearing, and such notice shall be posted in a conspicuous place or places on or around  
44 such lots, parcels or tracts of lands as may be involved in the hearing. Mail notice and sign  
45 notice shall be provided in the same manner as the public hearing before the planning and zoning



1 commission. Affidavit proof of the required publication ~~and posting of the notice~~ shall be  
2 presented at the hearing.

3  
4 The board of county commissioners by motion or written request of the applicant, any  
5 party with standing or by its own motion may extend or continue for a reasonable period, the  
6 time frames mentioned above. The board also has the authority to continue, on its own motion, to  
7 a later date a final decision on any special exception matter pending before it for review.

8  
9 At the public hearing, the governing body may affirm, modify or reverse the decision of  
10 the planning and zoning commission.

11  
12 The decision of the board reviewing any special exception decision rendered by the  
13 planning and zoning commission is final and any affected party has thirty (30) days from the  
14 rendition of the board of county commissioner's final decision to appeal to the circuit court by  
15 certiorari the board's final decision.

16  
17 **SECTION XX. AMENDING APPENDIX A (ZONING), ARTICLE VI (AMENDMENTS), SECTION 1**  
18 **(SUBMISSION OF ZONING AMENDMENT PETITION).** Appendix A (Zoning), Article VI  
19 (Amendments), Section 1 (Submission of zoning amendment petition) is amended to read as  
20 follows, with underlined matter added and struck-through matter deleted:

21  
22 **ARTICLE VI. AMENDMENTS**

23  
24 To make any amendments to this ordinance, either to the text or to the zoning district  
25 map, the procedures and notice requirements set forth in section 125.66, Florida Statutes, as  
26 amended from time to time, and this article shall be followed. ~~If any given use is not permitted~~  
27 ~~in a given zoning district by the provisions of this ordinance, it may not be permitted by any~~  
28 ~~agency unless this ordinance is amended according to the required amendment procedure.~~ In  
29 addition to the above, the following amendment procedures shall be followed:

30  
31 **Section 1. Submission Initiation of zoning amendment petition.**

32  
33 ~~The procedure and data required for the submission of a zoning amendment petition by~~  
34 ~~fifty-one (51) percent or more of the owners of land in the area involved in a proposed zoning~~  
35 ~~change is as follows:~~

36  
37 A. Persons authorized to submit a zoning amendment petition. The following  
38 persons or classes of persons are hereby authorized to submit a zoning amendment  
39 petition:

40  
41 (1) The current record owner of any parcel of land may initiate any  
42 amendment to the zoning map regarding said parcel.  
43

- 1           (2)    The planning and zoning commission or the governing body may initiate  
2           any amendment to the zoning map or zoning text, by motion after  
3           considering its merits at a public meeting.  
4  
5           (3)    The county administrator, the administrative official or their respective  
6           designee may initiate any amendment to the zoning text in order to update  
7           or revise this zoning ordinance where necessary.  
8  
9           (4)    A group of property owners may collectively petition to rezone a defined  
10          area by filing a written request for rezoning with the planning department,  
11          provided that the request is collectively signed by greater than fifty percent  
12          (50%) of all parcel owners of record within said area and that said owners  
13          collectively own more than fifty percent (50%) of the total area sought to  
14          be rezoned. The governing body shall consider the merits of the request at  
15          a noticed public meeting and decide, in their legislative discretion, whether  
16          the proposed request should be processed by the planning department as a  
17          zoning amendment or whether no further action should be taken. If the  
18          governing body approves the request at this stage, then the requestors shall  
19          be required to file a petition which meets all of the requirements of this  
20          section.

21  
22    A. B. Every petition addressed to the governing body, requesting an amendment or  
23    change in the regulations, restrictions, and boundaries herein established shall  
24    contain the following information and shall be presented to the county  
25    administrator or designee in the following form:

- 26  
27          (1)    The petition shall be ~~typewritten~~ legible and shall be sworn to by the  
28          ~~petitioner or petitioners~~ applicant or applicants, and shall include the ~~post~~  
29          ~~office~~ address and phone number of the ~~petitioners~~ applicant(s);  
30  
31          (2)    It shall give an accurate legal description of the land involved, including  
32          street address, if any, and the names of all owners, mortgage holders,  
33          lienors and lessees;  
34  
35          (3)    It shall designate a public contact person on the application. The public  
36          contact person would be required to answer questions and provide  
37          information regarding the petition to the public;  
38  
39          (4)    It shall state the reason why such regulations, restrictions or boundaries  
40          should be amended, supplemented, changed or repealed;  
41  
42          (5)    It shall give the existing zoning district classification on the land and the  
43          zoning district classification to which it is desired a change be made;  
44

- 1 (6) It shall have attached a drawing or blueprint of the surrounding portion of  
2 the subdivision in which the land is located, or if unplatted land, the  
3 streets, highways, roads, alleys and public places surrounding the land;  
4
- 5 (7) It shall include a statement which indicates whether or not the applicant  
6 requests a formal hearing process using procedures for rules of evidence,  
7 expert witnesses and/or cross examination of witnesses. If the ~~petitioner~~  
8 applicant desires additional time to make their presentation beyond  
9 established time frames as described in the application instruction packet,  
10 the ~~petitioner~~ applicant must indicate on the application form;  
11
- 12 (8) The application for a zoning amendment petition shall be in the form  
13 prescribed by the ~~rules of the governing body~~ planning department.  
14
- 15 (9) Depending upon the size, location or complexity of the requested  
16 amendment, planning department staff may request additional information.  
17 It is the ultimate responsibility of the property owner or designated agent  
18 to ensure that the application is complete and sufficient and all requested  
19 information and materials have been provided to county staff.  
20
- 21 (10) The applicant, upon being first advised by the planning department that the  
22 application is incomplete or insufficient, shall have a total of one hundred  
23 and eighty (180) days to correct all completeness and sufficiency  
24 deficiencies. If the applicant fails or refuses to correct such deficiencies  
25 within this period, the said application shall be deemed abandoned and  
26 void. Any applicant whose application is declared abandoned or void  
27 under this provision may re-file such application at a subsequent date,  
28 without prejudice, upon payment of all required fees and submitting a  
29 complete and sufficient application.  
30
- 31 (11) Upon an applicant being advised by the planning department that the  
32 application is complete and sufficient, a public hearing shall be promptly  
33 scheduled at the next available planning and zoning commission meeting  
34 allowing sufficient time for public notice and advertising. At the request  
35 of the commission, the governing body or the applicant, any scheduled  
36 public hearing may be continued until a date certain (which date shall be  
37 set by the commission or the governing body, respectively, in their sole  
38 discretion). Notwithstanding the foregoing, the commission shall render a  
39 decision on the merits of the application within one hundred and eighty  
40 (180) days of the applicant being advised that the application is complete  
41 and sufficient. It shall be the responsibility of the applicant to ensure that  
42 its application is scheduled and acted upon in a timely fashion. Any  
43 application not acted on by the commission within said one hundred and  
44 eighty (180) day period shall be deemed abandoned and void, and such  
45 application shall be closed out by the planning department with no refunds

1                   of any fees paid by the applicant. Any applicant whose application is  
2                   declared abandoned or void under this provision may re-file such  
3                   application at a subsequent date, without prejudice, upon payment of all  
4                   required fees and submitting a complete and sufficient application.  
5

6           B.       The administrative official in conjunction with the planning director  ~~, upon receipt~~  
7           of a shall develop procedures for the processing of a petition for a zoning  
8           amendment, shall refer a copy thereof to the commission, the governing body, and  
9           the county attorney.

10  
11       C.       Public inquiry workshop.

12  
13           (1)       Upon determination of need by the County staff based upon the number of  
14           public inquiries or the size and complexity of the proposed project, the  
15           applicant shall be required to conduct a public inquiry workshop prior to  
16           the scheduling of a public hearing on the application at a location  
17           convenient to the site in question and appropriate for public assembly in  
18           Hernando County prior to the action by the Governing Body as follows.  
19

20           a.       The applicant shall provide sign notice by posting the property a  
21           minimum of ten (10) days prior to the scheduled workshop with a  
22           Public Inquiry Workshop notice sign as supplied by the ~~County~~  
23           Administrator or designee planning department. The sign notice  
24           hereunder shall be in addition to all other notice provisions under  
25           this article.  
26

27           b.       The applicant shall provide mail a notice a minimum of ten (10)  
28           days prior to the scheduled Public Inquiry Workshop via regular  
29           mail giving the time, place and purpose of the meeting to each  
30           property owner within ~~two hundred fifty (250)~~ five hundred feet  
31           (500') of the parcel covered by the application based on the mail  
32           list generated by the Property Appraiser's Office. The list of  
33           adjacent property owners shall be the same as for the public  
34           hearing application. The applicant shall provide the planning  
35           department a copy of the mail list and a notarized affidavit  
36           indicating that said notice was mailed. The mail notice hereunder  
37           shall be in addition to all other mail notice provisions under this  
38           article.  
39

40           c.       The applicant shall provide a Citizen Sign-in sheet and executive  
41           summary explaining what information was provided to the public  
42           at the meeting to the County planning department accompanied by  
43           a notarized affidavit indicating that the list is an official record of  
44           attendance at the meeting. The Citizen Sign-In sheet and executive  
45           summary will become a part of the official application file.

- 1                   (2)    The ~~petitioner~~ applicant shall be responsible for all costs incurred in the  
2   notice procedure for the public inquiry workshop and the public hearing.  
3

4   **Section 2. Submission Conversion of conventional zoning amendment plan to a planned**  
5   **development district**  
6

7                   The commission or the governing body, as a condition to the reviewing of any proposed  
8 zoning change, ~~for an overlay district, special exception use permit, or a conditional use permit,~~  
9 ~~shall may~~ require the submission of a site plan for the purpose of converting a proposed zoning  
10 amendment to a planned development district. ~~which, when if approved by the planning and~~  
11 ~~zoning commission or governing body, shall generally be followed,~~ with no reduction in the  
12 ~~approved minimum standards.~~ Such approval shall be in accordance with the terms and  
13 conditions of Article VIII for Planned Development Projects. ~~The commission may require the~~  
14 ~~submittal of a site plan for a standard rezoning case. The site plan shall show all of the pertinent~~  
15 ~~and appropriate data and information necessary to indicate the intent of the proposed use and~~  
16 ~~development of the area for which the request is being made. If a zoning amendment is approved~~  
17 ~~by the governing body after commission review, comment or recommendation, if any, the~~  
18 ~~petitioner shall be instructed to prepare a revised plan indicating all approved special conditions,~~  
19 ~~if any, and showing all of the appropriate and applicable data and information within thirty (30)~~  
20 ~~days of approval or the rezoning shall become null and void. As a further condition to the~~  
21 ~~granting of a zoning change, the governing body may require that substantial construction be~~  
22 ~~initiated within a certain period of time of not less than one year. In any zoning change where~~  
23 ~~substantial construction has not been initiated within the time limit set by the governing body,~~  
24 ~~such zoning change shall become null and void and the parcel of land for which the zoning~~  
25 ~~change was approved shall revert to the original zoning district classification and regulations that~~  
26 ~~existed on the parcel of land prior to approval of the zoning change. Substantial construction, as~~  
27 ~~set forth herein, shall mean that binding contracts for the construction of the main building,~~  
28 ~~buildings, or other improvements have been let, or in the absence of contracts that the main~~  
29 ~~building, buildings, or other improvement have been let, or in the absence of contracts that the~~  
30 ~~main building, buildings, or other improvements, are under construction to a substantial degree,~~  
31 ~~or that prerequisite conditions involving substantial investment shall be under contract, in~~  
32 ~~development, or completed. When construction is not part of the use, substantial construction~~  
33 ~~shall mean that the use is in operation in compliance with the conditions as set forth in the~~  
34 ~~approval of the zoning change. Any approval for a rezoning, conditional use permit, special~~  
35 ~~exception use permit or an overlay district, does not exempt the applicant from obtaining all~~  
36 ~~other required permits from Hernando County and meeting all applicable land development~~  
37 ~~regulations.~~

38  
39                   The governing body may approve a conventional zoning amendment petition as a planned  
40 development project (PDP) rather than a conventional zoning district if the governing body finds  
41 that the county would be better served with a planned development project and the applicant has  
42 provided a master plan that meets the requirements of the planned development district data  
43 acceptable to the governing body to support the rezoning for a planned development project, and  
44 the planned development project is more restrictive than the district advertised for consideration.  
45 If a zoning amendment is approved as a planned development project by the governing body,

1 then the applicant shall be instructed to prepare a revised plan, if applicable, indicating all  
2 approved special conditions, if any, and showing all of the appropriate and applicable data and  
3 information within thirty (30) days of approval or the rezoning shall become null and void.  
4

5 **Section 3. Referral of certain zoning amendments to commission the governing body.**  
6

7 ~~Regardless of the origin of any proposed amendment, if such amendment changes the~~  
8 ~~zoning district map rather than the text of the zoning ordinance, it shall be referred to the~~  
9 ~~commission for review and recommendation before adoption. The commission shall hold at least~~  
10 ~~one public hearing before the commission after due public notice and shall then make its~~  
11 ~~recommendation in writing to the governing body for official action of the governing body by~~  
12 ~~resolution, shall be pursuant to and consistent with notice and hearing requirements in this code~~  
13 ~~zoning ordinance. for rezoning and with notice and hearing requirements contained in § 125.66,~~  
14 ~~Florida Statutes, as amended from time to time. The recommendation of the commission shall be~~  
15 ~~reported to the governing body by the planning department.~~  
16

17 **Section 4. Action by governing body.**  
18

19 ~~The commission shall submit its recommendation along with the proposed zoning map~~  
20 ~~change to the governing body for adoption or denial. The governing body shall hold at least one~~  
21 ~~public hearing after due public notice if any change is to be considered and shall then act on the~~  
22 ~~proposed change, provided that nothing herein shall alter any more stringent notice and hearing~~  
23 ~~requirements provided by statute.~~  
24

25 **Section 5. ~~Rejected proposed zoning a~~ Amendments that have been rejected by the**  
26 **governing body.**  
27

28 ~~The commission may refuse to review any proposed zoning district map amendment~~  
29 ~~which has been rejected by either the commission or the governing body within the past twelve~~  
30 ~~month period. For purposes of this section, and an zoning district map amendment request for the~~  
31 ~~same zoning district or textual change will not be scheduled within the twelve month time period~~  
32 ~~without prior approval by the commission.~~  
33

34 ~~In order to obtain the approval of the commission, an A-petitioner applicant must make a~~  
35 ~~written request, with justification, to the commission for review relief from this requirement. and~~  
36 ~~decision at a public meeting as to whether The commission shall make a decision at a public~~  
37 ~~meeting as to whether it wishes to hear the request within the twelve-month period.~~  
38

39 ~~The action of the commission shall be reported to the governing body. Within two weeks of the~~  
40 ~~public meeting where the commission makes a decision regarding scheduling of any proposed~~  
41 ~~zoning district map amendment within the twelve month period, the governing body may decide~~  
42 ~~to reverse the commission's decision by majority vote.~~  
43

44 ~~The governing body may refuse to review any proposed textual amendment to the zoning~~  
45 ~~ordinance which has been rejected by either the commission or the governing body within the~~

1 past twelve-month period. A petitioner must make a written request to the governing body for  
2 review and decision at a public meeting as to whether the governing body wishes to hear the  
3 request within the twelve-month period. This provision shall not apply where a property owner  
4 submits a new application which is materially different than the rejected application.

5 **Section 6. Currency of zoning district map.**  
6

7 The administrative official shall maintain the zoning map current and up to date in digital  
8 format which shall be available to the public. ~~ensure that amended zoning district boundaries are~~  
9 ~~accurately placed on the zoning district map and shall initial and date all such additions to the~~  
10 ~~zoning district map. The zoning district map may be maintained in digital or hard copy format, or~~  
11 ~~both, provided that Ch. 119, Florida Statutes, shall apply to any format. The administrative~~  
12 ~~official's dating and initialing may be accomplished by appropriate digital files attached to or~~  
13 ~~incorporated in a digitally formatted zoning district map.~~

14  
15 **Section 7. Required notices: ~~for zoning amendment proposals originating with petition~~**  
16 **~~of owners of fifty-one percent or more of the area involved in the change for~~**  
17 **~~public hearing.~~**  
18

19 In addition to the requirements for publication of due public notice of a public hearing,  
20 the petitioner planning department shall be responsible for the following required notices:  
21

- 22 A. *Required mailing notice.* Upon the fixing of a date for a public hearing, the  
23 ~~administrative official~~ planning department shall provide mail notice a copy of a  
24 notice giving the time, place and purpose of the meeting public hearing to the  
25 owner or owners of every parcel of property each property owner within a distance  
26 of two hundred fifty (250) feet in any direction from the property line of the land  
27 upon which the petitioner requests a change in zoning district classification parcel  
28 covered by the application based upon the mail list generated by the Property  
29 Appraiser's Office and furnished by the applicant. The notice ~~is to be sent by~~  
30 ~~certified mail, return receipt requested,~~ shall be mailed at least ten (10) days prior  
31 to the scheduled ~~meetings~~ public hearing. The petitioner ~~shall file one copy of a~~  
32 ~~list of all owners, together with the addresses as shown on the current tax roll, of~~  
33 ~~every parcel of property within two hundred fifty (250) feet in any direction from~~  
34 ~~the property line of the land upon which the petitioner requests a change in zoning~~  
35 ~~district classification).~~ Additionally, the petitioner shall provide one copy of a  
36 sketch showing those owners' properties in relation to the petitioner's lot.  
37

38 Required mailing notice for Public Service Facility Overlay Districts (PSFOD) for  
39 a telecommunications tower: The planning department shall provide mail notice  
40 giving the time, place and purpose of the public hearing to each property owner  
41 within 1,320 feet of the parcel covered by the application based upon the mail list  
42 generated by the Property Appraiser's Office and furnished by the applicant. The  
43 notice shall be mailed at least ten (10) days prior to the scheduled public hearing.  
44 ~~All property owners within one-quarter (1/4) from the property line of the land~~  
45 ~~upon which the petitioner requests a PSFOD for a telecommunications tower will~~

1 be notice of the public hearing. Property owners within a distance of two hundred  
2 fifty (250) feet in any direction from the property line of the land upon which the  
3 petitioner requests a PSFOD will be noticed by certified, return receipt requested,  
4 at least ten (10) days prior to the scheduled meetings. For property owners more  
5 than two hundred fifty (250) feet in any direction from the property line of the  
6 land upon which the petitioner requests a PSFOD up to one-quarter (1/4) mile,  
7 notices will be sent by regular mail at least ten (10) days prior to the scheduled  
8 meetings. The petitioner shall file one copy of a list of all owners, together with  
9 the addresses as shown on the current tax roll, of every parcel of property within  
10 two hundred fifty (250) feet in any direction from the property line of the land  
11 upon which the petitioner requests a PSFOD and one copy of a list of all owners,  
12 together with the addresses as shown on the current tax roll of every parcel of  
13 property within one-quarter (1/4) mile in any direction from the property line of  
14 the land upon which the petitioner requests a PSFOD. Additionally, the petitioner  
15 shall provide one copy of a sketch showing those owners' properties in relation to  
16 the petitioner's lot.  
17

- 18 B. *Required posting of sign notice:* The petitioner applicant shall, upon adoption of  
19 the resolution fixing a date for public hearing on a proposed zoning amendment  
20 involving a change in Zoning district classification and not less than ~~fifteen (15)~~  
21 ten (10) days prior to the date set for the first public hearing, provide sign notice  
22 by posting sign(s) on the parcel of land for which the change in Zoning district  
23 classification is proposed. Such sign shall have the size, the shape, design and  
24 color determined by the ~~Administrative Official~~ planning department. Upon such  
25 sign shall be printed or otherwise made to appear the following information:

26 PUBLIC NOTICE  
27 REZONING HEARING BEFORE  
28 PLANNING AND ZONING COMMISSION  
29 AND/OR  
30 COUNTY COMMISSION  
31 (as applicable)  
32 HERNANDO COUNTY, FLORIDA  
33 (insert date, meeting time, and location)  
34 PROPOSED TO BE REZONED FROM  
35 \_\_\_\_\_ TO \_\_\_\_\_  
36

37 The sign(s) furnished by the Planning and Development Department shall be  
38 posted by the applicant along each front lot line with the bottom of the sign at  
39 least three (3) feet above grade on the property being considered for rezoning. The  
40 sign cards shall be posted at the outer property line along the road or street  
41 frontage and shall be clearly visible. If the frontage is in excess of three hundred  
42 (300) feet, posting of the signs shall be determined by the Planning and  
43 Development Department. In those cases where the property does not have  
44 frontage on a road, the sign cards shall be posted at the property corners, and  
45 where the access road intersects with the nearest county road.



1 After the sign is posted, the petitioner applicant shall make an affidavit certifying  
2 that he had posted the required sign. The affidavit shall include a description of  
3 the parcel of land on which such sign was placed. Such affidavit must be filed  
4 with the ~~Administrative Official~~ planning department prior to the public hearing.  
5 The county shall make affidavit forms available for use by the applicant. It is the  
6 responsibility of the petitioner applicant to ensure that the sign(s) are  
7 appropriately posted and remain on the property during the public hearing process  
8 in legible condition. If the condition of the sign(s) deteriorate through the process,  
9 it shall be the responsibility of the petitioner applicant to repost the property at no  
10 cost to the county. Failure to maintain the signs in accordance with this section  
11 may result in a delay of the public hearing process. The petitioner applicant shall  
12 be responsible for removal of the sign(s) within 10 days of the date the decision  
13 on the petitioner applicant's application becomes final or the date of appeal of a  
14 commission or governing body decision for judicial determination, whichever  
15 comes first. Failure to timely remove any such sign(s) is prohibited.

- 16  
17 C. *Procedures in the event of a state of emergency or other cause.* In the event that a  
18 state of emergency is declared to exist for the date of a scheduled public hearing  
19 before either the commission or the governing body, or if exigent circumstances  
20 require the closure of county offices for the date of such hearing, such that no  
21 meeting is or can be held, notice of the rescheduled hearing date shall be required  
22 to be published a minimum of five (5) days prior to the rescheduled date.

23  
24 **Section 8. Public notice cost to be borne by petitioner applicant.**

25  
26 Where a ~~petitioner shall~~ an applicant files a petition requesting a zoning amendment or  
27 that land owned by them be rezoned and placed in a different zoning district classification,  
28 including planned-development projects, they shall pay all costs and expenses in connection with  
29 notice of such hearings and related notices, as required by the provisions of this ordinance, in  
30 addition to the fees required for commission review and administration.

31  
32 The requirements of this section shall not be deemed nor construed as applying to any  
33 public hearing held by the commission or governing body on their own motion or volition, to  
34 consider any amendment, supplement, change or repeal of any regulation, restriction or boundary  
35 in connection with the zoning ordinance.

36  
37 **~~Section 9. Required notice for zoning district classification amendment proposals~~**  
38 **~~originating with the commission or governing body.~~**

39  
40 ~~When the commission or the governing body proposes a change in zoning district~~  
41 ~~classification of a single parcel or group of not more than five [hundred] (500) parcels of any~~  
42 ~~property within its jurisdiction, it shall be the duty of the administrative official to comply with~~  
43 ~~the all statutory notice requirements of section 1 of the Laws of Florida, chapter 69-139. The~~  
44 ~~requirements of this section shall not apply to changes in the use of property as provided within~~  
45 ~~the limitation of any zoning district classification.~~

1 ~~Section 10. Combined public hearing.~~

2  
3 ~~The commission and the governing body may, if they so desire, hold combined public~~  
4 ~~hearings on any zoning amendment. Such combined public hearings shall not prevent the~~  
5 ~~commission and/or the governing body from holding additional public hearings whenever such~~  
6 ~~public hearings are deemed necessary.~~

7  
8 **Section 11 9. Regularly scheduled public hearing dates.**

9  
10 The commission and/or the governing body may establish regular dates for public  
11 hearings on zoning amendments. Such dates shall be duly advertised. ~~, if established by the~~  
12 ~~commission, and/or the governing body, shall not prevent the commission and/or the governing~~  
13 ~~body from scheduling additional public hearings whenever such hearings are deemed necessary.~~

14  
15 **SECTION XXI. AMENDING APPENDIX A (ZONING), ARTICLE VIII (PLANNED-**  
16 **DEVELOPMENT PROJECT), PURPOSE.** Appendix A (Zoning), Article VIII (Planned-  
17 Development Projects) is amended to read as follows, with underlined matter added and struck-  
18 through matter deleted:

19  
20 *Purpose:*

21  
22 The planned development project (PDP) is a specialized zoning district which provides a  
23 level of density and/or intensity, and a list of permitted uses. A narrative description and a master  
24 plan are part of the PDP zoning. The master plan is a visual depiction of the general layout of the  
25 project in conformance with the PDP rules with any additional performance standards or specific  
26 deviations requested. The process for approval of a PDP zoning is through the zoning  
27 amendment process as provided for in this ordinance. This master plan must be reviewed and  
28 approved by the governing body.

29  
30 A planned-development project will allow the petitioner applicant of a project the  
31 flexibility, with governing body approval, to alter the standard requirements of the county. A  
32 petitioner applicant may also be able to deviate from the following specific requirements of the  
33 planned development project regulations after due public notice has been given: perimeter  
34 setbacks, parking requirements, building coverage, buffering and street design requirement. The  
35 board shall base its decision on the requested deviation based on the impact on the public in  
36 regards to the health, safety and welfare of the public. The governing body may increase or  
37 decrease the minimum standards provided herein in order to attain compatibility, protect natural  
38 resources or meet other public purpose goals.

39  
40 *Status:*

41  
42 The planned development project shall be developed according to the approved master  
43 plan and supporting narrative and data. The master plan and narrative for a project must meet the  
44 minimum standards as provided herein.

1           If the developer of a planned development project with a valid master plan approved prior  
2 to the effective date of this ordinance does not initiate substantial construction as defined herein  
3 within two (2) years after the effective date of this ordinance, the master plan shall become null  
4 and void, and any development pursuant thereto can be permitted only upon approval of a revised  
5 master plan under the terms of this ordinance.

6  
7           ~~Unless otherwise specified, all planned development projects shall be required to initiate~~  
8 ~~substantial construction within a period of time of not more than two (2) years from the approval~~  
9 ~~date. For combined planned development projects involving subdivisions, substantial~~  
10 ~~construction shall mean that subdivision infrastructure has been constructed to a substantial~~  
11 ~~degree, substantial investment shall be under contract, in development, or completed. For single~~  
12 ~~use planned development projects, substantial construction means that binding contracts for~~  
13 ~~construction of the main building, buildings, or other improvements have been let, or in the~~  
14 ~~absence of contracts that the main building, buildings, or other improvements are under~~  
15 ~~construction to a substantial degree, or that prerequisite conditions involving substantial~~  
16 ~~investment shall be under contract, in development, or completed. For either single use or multi~~  
17 ~~use planned development projects, when construction is not part of the use, substantial~~  
18 ~~construction shall mean the use is in operation in compliance with the conditions as set forth in~~  
19 ~~the approval of the zoning change.~~

20  
21           Failure to initiate substantial construction performance as indicated herein below shall  
22 render the master plan null and void. The intensity/density is retained under the zoning approval;  
23 however, a revised new master plan meeting the existing land development regulations shall be  
24 required. The process for receiving master plan approval shall be in the same manner as a zoning  
25 amendment application.

26  
27           All planned development projects shall be subject to the following regulations:

28  
29           **SECTION XXII. AMENDING APPENDIX A (ZONING), ARTICLE VIII (PLANNED-**  
30 **DEVELOPMENT PROJECT), SECTION 2 (PLAN DEVELOPMENT PROJECTS).** Appendix A  
31 (Zoning), Article VIII (Planned-Development Projects), Section 1 (Planned development  
32 Projects) is amended to read as follows, with underlined matter added and struck-through matter  
33 deleted:

34  
35           **Section 1. General provisions for Planned development projects.**

36  
37           All planned development projects shall meet the following requirements for development:

38  
39                           *[Subsections A. through N. remain unchanged]*

40  
41           O.    *Open Space.* For Single-Family Planned Development Projects with lots smaller  
42 than one acre in size, a minimum of 5 percent of the gross project site shall be  
43 retained in usable open space. For Single Family Planned Development Projects  
44 with lots one acre in size or greater, a minimum of 2.5 percent of the gross project  
45 site shall be retained in usable open space. Usable open space excludes drainage

1 retention areas and required buffers. Conservation areas which allow passive use  
2 may be utilized in the usable open space calculation. The minimum open space  
3 shall be as required under chapter 10 of this code entitled community appearance  
4 unless additional open space is required in connection with master plan approval  
5 or as otherwise required in this zoning code, whichever results in the greatest  
6 percentage or amount of open space being provided.

7  
8 ~~A minimum of fifty percent of the required open space shall be~~  
9 ~~usable open space in areas at least five hundred (500) square feet in~~  
10 ~~size with no horizontal dimension less than fifteen (15) feet.~~

11  
12 P. Duration of Master Plan. The failure of the applicant to initiate substantial  
13 performance within two (2) years from date of approval by the governing body  
14 shall render the master plan null and void. If a planned development project  
15 requires subsequent conditional plat approval, then 'substantial performance' shall  
16 mean that the applicant has obtained conditional plat approval during this two  
17 year period and the applicant is diligently pursuing the next stage of development  
18 approval in accordance with all applicable time frames. If a planned development  
19 project does not require plat approval, then 'substantial performance' shall mean  
20 that the applicant has obtained a building permit(s) for vertical construction  
21 relating to the primary or principal building for non-residential projects or has  
22 obtained building permits for the first phase of dwelling units for residential  
23 projects during this two year period. Upon obtaining such building permit(s), the  
24 master plan shall continue in full force and effect for so long as the required  
25 building permit(s) continuously remain valid and current. Should any of these  
26 subsequent time frames not be adhered to, or should the required building  
27 permit(s) expire, lapse or become void, then the master plan shall be deemed null  
28 and void. A master plan that has been deemed null and void under this provision  
29 cannot be revived except by the applicant starting the process anew including  
30 filing a new application and paying all required fees.

31  
32 **SECTION XXIII. AMENDING APPENDIX A (ZONING), ARTICLE VIII (PLANNED-**  
33 **DEVELOPMENT PROJECT), SECTION 2 (PLAN STANDARDS).** Appendix A (Zoning), Article VIII  
34 (Planned-Development Projects), Section 2 (Plan Standards) is amended to read as follows, with  
35 underlined matter added and struck-through matter deleted:

36  
37 **Section 2: Plan Standards**

38  
39 For all Planned Development Projects, the ~~petitioner~~ applicant shall submit a master plan  
40 to the Planning Department. The master plan shall show all of the following, to the extent  
41 applicable:

- 42  
43 1. Location and approximate acreage of all proposed land uses, including the  
44 location of all proposed uses, identification of all dwelling unit types, and  
45 identification of any special design features;

- 1           2.     External access roads and the approximate location and design of proposed access  
2           points;
- 3
- 4           3.     ~~All internal access roads classified as major local or greater with the number of~~  
5           ~~lots to be served by each road, Major internal access roads, proposed circulation~~  
6           plan and access points to individual pods;
- 7
- 8           4.     ~~N~~ The location and extent of any existing natural features, wetlands, listed flora  
9           and fauna; or other unique features; and any surveys associated with these  
10           features;
- 11
- 12           5.     Separation distances between land uses;
- 13
- 14           6.     Surrounding zoning;
- 15
- 16           7.     Surrounding land uses;
- 17
- 18           8.     Parcel dimensions and existing site conditions;
- 19
- 20           9.     Location of Flood Plains;
- 21
- 22           10.    Topographical information;
- 23
- 24           11.    The approximate location of existing and proposed Drainage Retention Areas if  
25           proposed as part of the project buffering plan;
- 26
- 27           12.    Perimeter project setbacks and building heights;
- 28
- 29           13.    Internal project setbacks;
- 30
- 31           14.    Individual lot setbacks;
- 32
- 33           15.    Intensity/density of the proposed project;
- 34
- 35           16.    Depending upon the location, complexity or size of the proposed project the  
36           planning staff may request additional information necessary to complete the  
37           review of the project
- 38

39     This shall be considered a preliminary ~~or draft~~ master plan at time of submittal of the rezoning  
40     amendment petition. The Governing Body may require that the master plan be revised to meet  
41     any additional conditions. If the Governing Body requires such a revision, the ~~petitioner~~  
42     applicant must submit a revised master plan, meeting all conditions, within thirty (30) days of the  
43     approval of the Planned Development Project of the rezoning or the rezoning shall become null  
44     and void.

1 SECTION XXIV. AMENDING APPENDIX A (ZONING), ARTICLE VIII (PLANNED-  
2 DEVELOPMENT PROJECT), SECTION 3 (NARRATIVE STANDARDS). Appendix A (Zoning),  
3 Article VIII (Planned-Development Projects), Section 3 (Narrative Standards) is amended to read  
4 as follows, with underlined matter added and struck-through matter deleted:  
5

6 **Section 3: Narrative Standards**  
7

8 For all Planned Development Projects, the ~~petitioner~~ applicant shall submit a narrative.  
9 The narrative, at a minimum, shall ~~provide the following~~ discuss each of the following items:  
10

- 11 1. Proposed land uses and approximate acreage of land uses;
- 12 2. Proposed density levels for the residential development (if applicable)/intensity of  
13 commercial (in square footage);
- 14 3. Separation distances for the differing land uses within, and external to, the  
15 proposed PDP;
- 16 4. Proposed setbacks, ~~and~~ minimum sizes for individual lots, and building heights;  
17
- 18 5. Condition of and impact on natural features;
- 19 6. Discussion ~~on~~ of the impact on infrastructure, including but not limited to  
20 transportation, water, drainage, sanitary sewer, parks, recreation, and solid waste,  
21 along with any necessary data and analysis required to demonstrate that adequate  
22 public facilities will be available;
- 23 7. Discussion on any ~~proposed~~ improvements proposed to the infrastructure to  
24 maintain and demonstrate adequate public facilities;
- 25 8. Proposed uses within all the pods;
- 26 9. Existing land uses on the site and the adjacent site;
- 27 10. Concept of the development plan, including project phasing if applicable;
- 28 11. Identification, and justification of, any proposed deviations from the design  
29 standards;
- 30 12. Depending upon the location, complexity or size of the proposed project the  
31 planning staff may request additional information necessary to complete the  
32 review of the project

33 This shall be considered a preliminary narrative at time of submittal of the request for zoning  
34 amendment petition. The Governing Body may require that a PDP narrative be revised to meet  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

1 any additional conditions. If the Governing Body requires such a revision, the petitioner  
2 applicant must submit a revised narrative, meeting all conditions, within thirty (30) days of the  
3 approval of the Planned Development Project of the rezoning or the rezoning shall become null  
4 and void.

5  
6 **SECTION XXV. AMENDING APPENDIX A (ZONING), ARTICLE VIII (PLANNED-**  
7 **DEVELOPMENT PROJECT), SECTION 4 (REVISIONS).** Appendix A (Zoning), Article VIII  
8 (Planned-Development Projects), Section 4 (Revisions) is amended to read as follows, with  
9 underlined matter added and struck-through matter deleted:

10  
11 **Section 4: Revisions**

12  
13 The following circumstances shall be considered a substantial deviation and require  
14 modification to the approved master plan and approval by the Governing Body. The process for  
15 receiving master plan revision approval for modifications which are deemed substantial shall be  
16 in the same manner as a zoning amendment petition:

- 17  
18 1. Relocations of land uses which are either adjacent to platted or developed portions  
19 of the project, or adjacent to the project perimeter;
- 20  
21 2. Increase of density, or intensity, or a change of approved uses;
- 22  
23 3. Increase or decrease in or major locational change of approved rights of way;
- 24  
25 4. ~~€~~ Substantial change in external access points;
- 26  
27 5. Addition or subtraction of land;
- 28  
29 6. Change in permitted setbacks;
- 30  
31 7. Changes which alter the proposed concept or design of the development;
- 32  
33 8. Increases to the approved building heights;
- 34  
35 9. Changes that substantially alter the basic size and location of approved land uses  
36 and which impact surrounding properties or substantially alter the approved site  
37 layout;
- 38  
39 8 10. Any modification to specific performance conditions approved by the Governing  
40 Body.

41  
42 **SECTION XXVI. AMENDING APPENDIX A (ZONING), ARTICLE VIII (PLANNED-**  
43 **DEVELOPMENT PROJECT), SECTION 5 (PERMITTED USES), SUBSECTION 20 (PDP CORPORATE**  
44 **PARK)).** Appendix A (Zoning), Article VIII (Planned-Development Projects), Section 5

1 (Permitted uses), Subsection 20 (PDP *Corporate Park*) is amended to read as follows, with  
2 underlined matter added and struck-through matter deleted:  
3

4 20. PDP (*Corporate Park*): The following uses shall be allowed within the Corporate  
5 Park designation:  
6

- 7 (a) Day care centers.
- 8
- 9 (b) Business, professional and nonprofit organization office use, but not  
10 including the sale or storage of merchandise except where the sale or  
11 storage of merchandise relates directly to the rendering of professional  
12 services.
- 13
- 14 (c) Publicly owned or operated building.
- 15
- 16 (d) One single-family dwelling unit (minimum of six hundred (600) square  
17 feet) per commercial parcel in conjunction with the operation of a business  
18 on the premises; such single-family dwelling unit shall be an integral part  
19 of the principal business structure and located behind or above that portion  
20 of the business structure devoted to service to the public.  
21
- 22 (e) Personal service establishments.
- 23
- 24 (f) Domestic and business service establishments.
- 25
- 26 (g) Domestic and business repair establishments.
- 27
- 28 (h) Business training schools.
- 29
- 30 (i) Restaurants with or without alcohol dispensation.
- 31
- 32 (j) Hotels.
- 33
- 34 (k) Motels.
- 35
- 36 (l) Aircraft parts establishments.
- 37
- 38 (m) Light manufacturing.
- 39
- 40 (n) Light wholesale and storage establishments.
- 41
- 42 (o) Light outdoor advertising service establishments.
- 43
- 44 (p) Light research, development and testing laboratories.
- 45



1 (q) Publishing and printing service establishments.

2  
3 (r) Aquaculture, with or without above ground tanks, with proper screening.

4  
5 (s) Call Centers.

6  
7 **SECTION XXVII. Amending Appendix A (Zoning), Article IX (Violations; Penalties).**  
8 Appendix A (Zoning), Article IX (Violations; Penalties) is amended to read as follows, with  
9 underlined matter added and struck-through matter deleted:

10  
11 **Section 1. Violations.**

12  
13 A. Use/performance violations: Any person owning, ~~and/or occupying and/or using~~  
14 any building or structure that is erected, constructed, reconstructed, altered, repaired or  
15 maintained, or any building, structure, land or water used in violation of the county's land  
16 development regulations, or this zoning ordinance ~~as a component thereof, or in violation of any~~  
17 stipulation or performance condition attached to any permit, variance, conditional use, special  
18 exception use, zoning amendment or other land use approval, shall be subject to the remedies  
19 and/or penalties as provided for in this ordinance article. ~~The Governing Body, or any~~  
20 ~~appropriate official of the Governing Body, shall institute any appropriate action or proceedings~~  
21 ~~in a civil action in the circuit court to prevent such unlawful erection, construction,~~  
22 ~~reconstruction, alteration, repair conversion, maintenance or use; or, to restrain, correct or abate~~  
23 ~~such violation; or, to prevent the occupancy of said building, structure, land or water; or to~~  
24 ~~prevent any illegal act, conduct or business or use in or about such premises.~~

25  
26 B. Transferring of land violations: ~~It shall be unlawful for anyone who is the owner,~~  
27 ~~or agent of the owner, of any land to transfer, sell, agree to sell or negotiate to sell such land by~~  
28 ~~reference to or exhibition of, or by other use of a plat without having first submitted such plat for~~  
29 ~~approval if required by this ordinance. If such unlawful use be made of a plat before it is~~  
30 ~~properly approved and recorded, the owner, or agent of the owner, of such land shall be subject~~  
31 ~~to the penalties provided in this ordinance. The Governing Body, or any appropriate official of~~  
32 ~~the Governing Body, shall also enjoin such transfer, sale or agreement. Failure to comply with~~  
33 ~~the provisions of this ordinance shall not impair the title of land so transferred or affect the~~  
34 ~~validity of the title conveyed. However, a purchaser of land sold in violation of this ordinance~~  
35 ~~shall, within two years from date of purchase thereof, be entitled to bring appropriate action to~~  
36 ~~avoid such sale or to bring action against the seller for any damages which he suffers as a result~~  
37 ~~of the seller's unlawful act or both. Any person who transfers land in violation of the county's~~  
38 subdivision regulations contained in Chapter 26 of the Hernando County Code of Ordinances  
39 shall also be subject to the remedies and/or penalties as provided for in this article.

40  
41 **Section 2. Enforcement; Remedies; and p Penalties.**

42  
43 A. Enforcement: Personnel of the county in the performance of their assigned duties  
44 or functions to enforce the county's land development regulations and/or this zoning ordinance  
45 may enter upon any property during normal work hours of the county and make examination to

1 determine code compliance that do not occasion damage or injury to private property or  
2 otherwise impair private property or personal rights.

3  
4 A. B. Remedies:

- 5  
6 (1) The administrative official ~~shall~~ may issue notice to all violators of this zoning  
7 ordinance and shall order that such violations cease.
- 8  
9 (2) The G governing B body may also authorize any appropriate officer, bureau,  
10 department or agency to disconnect utilities serving the premises in violation to  
11 the extent not inconsistent with applicable state law.
- 12  
13 (3) If necessary, the G governing B body, or any appropriate official of the G  
14 governing B body, may institute appropriate action in a court of competent  
15 jurisdiction to ~~eliminate the threat or existence of~~ enjoin any violation of the  
16 county's land development regulations and/or this zoning ordinance. in  
17 accordance with the Laws of Florida, Chapter 69-139.
- 18  
19 (4) In addition, any violation hereunder may be prosecuted as described in Chapter 2,  
20 Article III of the Hernando County Code of Ordinances, as amended or  
21 renumbered from time to time.

22  
23 B. C. Penalties: Any person or entity violating any provision of this ordinance shall,  
24 upon conviction, be fined not less than ten dollars (\$10.00) nor more than five hundred dollars  
25 (\$500.00) or by imprisonment for a term not to exceed sixty (60) days or both such fine and  
26 imprisonment for each conviction. Each day of violation after written notice shall constitute a  
27 separate offense. Any violation of the county's land development regulations and/or this zoning  
28 ordinance may be prosecuted as follows:

- 29  
30 (1) Whenever in the county's land development regulations and/or this zoning  
31 ordinance any act is prohibited, or is made or declared to be unlawful, or an  
32 offense; or whenever in such regulation the doing of any act is required, or the  
33 failure to do any act is declared to be unlawful, then such act or failure to act shall  
34 be deemed a misdemeanor for the purposes of this zoning ordinance.
- 35  
36 (2) Each violation hereunder shall be deemed a separate offense and a separate  
37 offense shall be deemed committed on each day during or on which a violation  
38 occurs or continues. In assessing fines hereunder, the special master may consider  
39 whether the violator has been convicted of or pleaded guilty to prior violations of  
40 the county's land development regulations or this zoning ordinance, respectively.
- 41  
42 (3) If any of the fines or penalties enumerated herein are invalidated by a court of  
43 competent jurisdiction such invalidation shall be severable from the rest of the  
44 provisions in this zoning ordinance and such invalidity shall not extend to any

1 other provision of this zoning ordinance including the statutory penalty for  
2 violation of county ordinances.

- 3  
4 (4) If any of the fines or penalties enumerated herein are invalidated, then the  
5 statutory penalty for violation of county ordinances shall be deemed to  
6 automatically apply to any violation of this zoning ordinance and in any event the  
7 court shall have the absolute right and discretion to impose the fines on penalties,  
8 or both provided for in the statutory provision for violation of county ordinances  
9 instead of the fines and penalties provided for herein.

10  
11 **Section 3. Conflict with other instruments.**

12  
13 ~~In case of conflict between this ordinance or any part thereof and the whole or part of any~~  
14 ~~existing or future ordinance of Hernando County, or the whole or part of any existing or future~~  
15 ~~private covenants or deeds, the most restrictive in each case shall apply. The most recently~~  
16 ~~enacted ordinance shall supersede and control over any earlier enacted ordinance or code in~~  
17 ~~conflict therewith.~~

18  
19 **SECTION XXVIII. SEVERABILITY.** It is declared to be the intent of the Board of County  
20 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this  
21 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect  
22 the validity of the remaining portions of this ordinance.

23  
24 **SECTION XXIX. INCLUSION IN THE CODE.** It is the intention of the Board of County  
25 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of  
26 this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,  
27 Florida. To this end, any section or subsection of this Ordinance may be renumbered or  
28 relettered to accomplish such intention, and the word "ordinance" may be changed to "section,  
29 "article," or other appropriate designation.

30  
31 **SECTION XXX. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing  
32 with the Department of State.

33  
34 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
35 **HERNANDO COUNTY** in Regular Session this 26<sup>th</sup> day of February, 2008.

36  
37  
38  
39  
40 Attest:

41 NIKI NICOLAI  
42 CLERK



43  
44 **BOARD OF COUNTY COMMISSIONERS**  
45 **HERNANDO COUNTY, FLORIDA**

By:

CHRISTOPHER A. KINGSLEY  
CHAIRMAN

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY [Signature] 2/26/08 G Kirk  
County Attorney's Office