

ORDINANCE NO. 2013-11

AN ORDINANCE AMENDING APPENDIX A ARTICLE V (ADMINISTRATION), SECTION 8 (SPECIAL EXCEPTION USE REGULATIONS) BY ADDING SUBSECTION C (1) PROVIDING FOR DISTRIBUTION ELECTRIC SUBSTATIONS; AMENDING APPENDIX A (ZONING), ARTICLE III (SPECIFIC REGULATIONS), SECTION 3 (SPECIFIC USE REGULATIONS) BY ADDING SUBSECTION N PROVIDING STANDARDS FOR DISTRIBUTION ELECTRIC SUBSTATIONS; AMENDING CHAPTER 23 (PLANNING) OF THE HERNANDO COUNTY CODE OF ORDINANCES, ARTICLE VI (RIVERINE PROTECTION), SECTION 23-211 (HARDSHIP DUE TO BUFFER REQUIREMENT) BY PROVIDING FOR A VARIANCE PROCEDURE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the County desires to update and modernize its land development regulations, and to provide regulations for electric substations and variances to riverine protection buffers, as provided for herein.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION I. AMENDING APPENDIX A (ZONING), ARTICLE V (ADMINISTRATION), SECTION 8 (SPECIAL EXCEPTION USE REGULATIONS). Appendix A (Zoning), Article V (Administration), Section C (Special Exception Uses) is amended to read as follows, with underlined matter added:

C. *Special exception uses:*

- (1) The following special exception uses may be approved in all zoning districts:
  - (a) Educational facilities.
  - (b) Noncommercial amusement facilities.
  - (c) Cemeteries.
  - (d) Hospitals.
  - (e) Nursing care homes.
  - (f) Places of public assembly.
  - (g) Child care facilities (more than five (5) children under the supervision of the operator).
  - (h) Substance-abuse rehabilitation facilities.
  - (i) Congregate care homes and facilities.
  - (j) Community residential homes which do not meet the exemption requirements.
  - (k) Charitable organizations.

FILED  
2013 APR 30 AM 11:24  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

1                   (1)     Distribution electric substations that distribute electricity through  
2                                   lines less than 69 kilovolts in size.

3  
4                   (2)     Specified zoning districts. Other special exception uses may be approved  
5                                   in only those zoning districts where they are designed as special exception  
6                                   uses under the zoning district regulations of this ordinance.  
7

8     **SECTION II. AMENDING APPENDIX A (Zoning), ARTICLE III (SPECIFIC**  
9     **REGULATIONS), SECTION 3 (SPECIFIC USE REGULATIONS).** Appendix A (Zoning),  
10    Article III (Specific Use Regulations), Section 3 (Specific Use Regulations) is amended to read  
11    as follows, with underlined matter added:  
12

13           N.     Standards for Distribution Electric Substations that distribute electricity through  
14                   lines less than 69 kilovolts in size. Distribution Electric Substations are subject to  
15                   the following:

16                   (1)     In nonresidential districts, the substation must comply with the setbacks  
17                                   and landscaping/buffer requirements applicable to similar uses in that  
18                                   district.

19                   (2)     In residential districts, a setback of 100 feet between the substation  
20                                   property boundary and permanent equipment or structures shall be  
21                                   maintained. Native landscaping, including trees and shrubs, planted at  
22                                   80% opacity consistent with the landscaping requirements of the  
23                                   Community Appearance Ordinance shall be provided along the site  
24                                   perimeter. An opaque fence or wall augmented with native landscaping  
25                                   consistent with the landscaping requirements of the Community  
26                                   Appearance Ordinance may be used as a substitute.

27                   (3)     Vegetated buffers beneath aerial access points to the substation equipment  
28                                   shall not be required to have a mature height in excess of 14 feet.

29                   (4)     Substation equipment shall be protected by a security fence with a  
30                                   minimum height of eight (8) feet and which must remain locked.

31                   (5)     Except for warning signs, signs required by the regulatory authority and  
32                                   signs that indicate ownership and emergency telephone numbers, no  
33                                   signage will be permitted.

34                   (6)     Site lighting shall meet the following requirements: all fixtures must be  
35                                   full-cutoff or shielded and no spillover of light is permitted beyond the  
36                                   property boundaries

37                   (7)     The review of proposed substations is limited to compliance with the  
38                                   applicable setback, buffering, landscaping, screening and compatibility  
39                                   standards of the land development regulations.  
40

41     **SECTION III. AMENDING CHAPTER 23 (PLANNING) OF THE HERNANDO**  
42     **COUNTY CODE OF ORDINANCES, ARTICLE VI (RIVERINE PROTECTION),**  
43     **SECTION 23-211 (HARDSHIP DUE TO BUFFER REQUIREMENT).** Chapter 23  
44     (Planning), of the Hernando County Code of Ordinances, Article VI (Riverine Protection),  
45     Section 23-211 (Hardship due to buffer requirement) is amended to read as follows, with  
46     underlined matter added and strike through deleted:  
47

1 **Sec. 23-211. Hardship due to buffer requirement.**

2  
3 Should an applicant be unable to meet the buffer requirements for single-family  
4 residences, ~~the board of county commissioners may allow a variance~~ may be requested.  
5 This variance will apply to the adjustment of the buffer width and does not automatically  
6 eliminate the buffer zone. To qualify for hardship, the applicant must meet the following:

- 7 (1) The buffer width cannot be met with reasonable reconfiguration of the site plan.  
8 (2) The wetland line has been delineated.  
9 (3) Construction will not occur within the wetlands unless:  
10 a. No upland alternatives exist;  
11 b. No significant loss of wetland function occurs; and  
12 c. The activity has received all appropriate agency permits.  
13 (4) Stormwater management techniques will be implemented to protect water quality.  
14 (5) Removal of natural vegetation is minimized.  
15 (6) ~~The board of county commissioners may grant a variance to~~ Lots existing as of  
16 January 1, 1990, may be considered for a variance for reasons other than hardship  
17 with regards to the standards of this article upon a showing of good cause.

18 (7) Variance procedure:

- 19 a. The administrative official, or designee, shall, following the receipt of the  
20 completed application for a variance, review the application and, within  
21 fifteen (15) days, issue a notice of intent, for either the approval or the  
22 denial of the variance.  
23 b. If the notice of intent is to approve the variance, a mailing shall be issued  
24 to the property owners within two hundred fifty (250) feet of the property  
25 under consideration for the variance. This notice shall indicate that it is  
26 the administrative official's intent to approve the requested variance fifteen  
27 (15) days after the date of the mailing if no appeal is filed. The notice of  
28 intent shall be forwarded to the board of county commissioners.  
29 c. If no appeal is filed within fifteen (15) days objecting to the administrative  
30 official's decision to approve the variance, the decision shall stand. If an  
31 appeal is filed by 5:00 p.m. on the fifteenth day, the administrative official  
32 shall schedule a public hearing before the board of county commissioners  
33 to hear the application for the variance.  
34 d. If the administrative official's intent is to deny the requested variance, the  
35 administrative official shall send notification letters to the applicant and  
36 the property owners within two hundred fifty (250) feet of the property  
37 under consideration for the variance, indicating the administrative  
38 official's intent to deny the variance. The notice of intent shall be  
39 forwarded to the board of county commissioners.  
40 e. If no appeal is filed within fifteen (15) days objecting to the administrative  
41 official's decision to deny the variance, the decision shall stand. If an  
42 appeal is filed by 5:00 p.m. on the fifteenth day, the administrative official  
43 shall schedule a public hearing before the board of county commissioners  
44 to hear the application for the variance.  
45 f. Notice for variances under this section that require a public hearing before  
46 the board of county commissioners shall be in accordance with the notice  
47 provisions for variances under Appendix A (Zoning), Article  
48 V (Administration), Section 3 (Appeals and variances).

NOTE: additions/deletions = language proposed for addition/deletion to existing Code provisions.

1 **SECTION IV. SEVERABILITY.** It is declared to be the intent of the Board of County  
2 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this  
3 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect  
4 the validity of the remaining portions of this ordinance.  
5

6 **SECTION V. INCLUSION IN THE CODE.** It is the intention of the Board of County  
7 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of  
8 this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,  
9 Florida. To this end, any section or subsection of this Ordinance may be renumbered or re-  
10 lettered to accomplish such intention, and the word "ordinance" may be changed to "section,  
11 "article," or other appropriate designation.  
12

13 **SECTION VI. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing  
14 with the Department of State.  
15

16 **DULY PASSED AND ADOPTED IN REGULAR SESSION THIS** 23rd  
17 **DAY OF** April, 2013



**BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA**

18  
19  
20  
21  
22  
23  
24 By: [Signature]  
25 **RONALD C. BARBEE, JR., CLERK**

By: [Signature]  
26 **DAVID D. RUSSELL, JR., CHAIRMAN**



27  
28  
29 **Approved as to Form and  
30 Legal Sufficiency**

31  
32  
33  
34 By: [Signature]  
35 **County Attorney's Office**



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

April 30, 2013

Honorable Don Barbee, Jr.  
Clerk of the Circuit Court  
Hernando County  
Room 131, 20 North Main Street  
Brooksville, Florida 34601-2800

Attention: Ms. Sherry L. Crum, Deputy Clerk

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 25, 2013 and certified copies of Hernando County Ordinance Nos. 2013-11 through 2013-13, which was filed in this office on April 30, 2013.

As requested, the date-stamped original is being returned for your records.

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/elr

Enclosure