

Darlene Christensen

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Wednesday, November 09, 2016 4:22 PM
To: Darlene Christensen
Cc: County Ordinances
Attachments: Hernando20161109_Ordinance2016_18_Ack.pdf

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 9, 2016

Honorable Don Barbee Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 3621
Brooksville, Florida 34601

Attention: Darlene Christensen, Administrative Services

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2016-18, which was filed in this office on November 9, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 2016 - 18

1
2
3 **AMENDING APPENDIX A (ZONING) OF THE HERNANDO COUNTY CODE**
4 **OR ORDINANCES, ARTICLE V (ADMINISTRATION), SECTION 3 (APPEALS**
5 **AND VARIANCES), SUBSECTIONS E(1)(A) AND H; ARTICLE V**
6 **(ADMINISTRATION), SECTION 4 (CONDITIONAL USE PERMIT),**
7 **SUBSECTIONS D(4)(B) AND D(5)(B); ARTICLE V (ADMINISTRATION),**
8 **SECTION 8 (SPECIAL EXCEPTION USE REGULATIONS), SUBSECTION**
9 **E(1)(B) AND F(2); ARTICLE VI (AMENDMENTS), SECTION 1 (INITIATION OF**
10 **ZONING AMENDMENT PETITION), SUBSECTION D(1)(B); AND ARTICLE VI**
11 **(ADMINISTRATION), SECTION 7 (REQUIRED NOTICES FOR PUBLIC**
12 **HEARING), SUBSECTION A; PROVIDING REVISIONS TO STANDARDS FOR**
13 **PUBLIC NOTICE AND PUBLIC INQUIRY WORKSHOPS; PROVIDING FOR**
14 **APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR**
15 **CONFLICTING PROVISIONS; PROVIDING FOR FILING WITH THE**
16 **DEPARTMENT OF STATE; PROVIDING FOR INCLUSION IN THE CODE AND**
17 **PROVIDING FOR AN EFFECTIVE DATE.**

18
19 **WHEREAS**, the Board of County Commissioners (County) has adopted the Hernando County
20 Comprehensive Plan within which are included goals, objectives, and policies related to the
21 process for review and approval of certain development applications; and

22
23 **WHEREAS**, Chapter 163, Part II, Florida Statutes, requires the implementation of these goals,
24 objectives, and policies through the adoption of consistent land development regulations; and

25
26 **WHEREAS**, the County desires to update its standards for public notice and public inquiry
27 workshops; and

28
29 **WHEREAS**, this proposed substantive amendment to the Hernando County Code of Ordinances
30 APPENDIX A (ZONING), has received public hearings before the Planning and Zoning
31 Commission, Local Planning Agency, and the Board of County Commissioners as required by
32 state and local law; and

33
34 **WHEREAS**, the Board of County Commissioners, for itself and acting as the Local Planning
35 Agency, finds and determines that the proposed amendment is consistent with the goals,
36 objectives, and policies of the Comprehensive Plan.

37
38 **NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY**
39 **COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:**

40
41 **SECTION I.** Hernando County Code of Ordinances, Appendix A (Zoning), Article V
42 (Administration), Section 3 (Appeals and variances), Subsection E(1)(a) is hereby amended to
43 provide for revisions to the distance requirements for mailed notice as more precisely delineated
44 with strike-through and underlined text below:

1 E. *Variance procedure:*

2 (1) The administrative official shall, following the receipt of the completed
3 application for a variance, review the application and, within fifteen (15) days,
4 issue a notice of intent, for either the approval or the denial of the variance.

5 (a) If the notice of intent is to approve the variance, a mailing shall be issued to
6 the property owners within ~~two hundred fifty (250)~~ five hundred (500) feet of
7 the property under consideration for the variance. This notice shall indicate
8 that it is the administrative official's intent to approve the requested variance
9 fifteen (15) days after the date of the mailing if no appeal is filed. The notice
10 of intent shall be forwarded to the board of county commissioners.
11

12 **SECTION II.** Hernando County Code of Ordinances, Appendix A (Zoning), Article V
13 (Administration), Section 3 (Appeals and variances), Subsection H (required notice for appeals
14 and variances) is hereby amended to provide for subsection 4 as more precisely delineated with
15 the underlined text below:
16

17 H. *Required notice for appeals and variances:*

18 (4) Public inquiry workshop. Upon determination of need by the administrative official
19 based upon the number of public inquiries or the size, location or complexity of the
20 proposed project, the applicant shall be required to conduct a public inquiry
21 workshop prior to the scheduling of a public hearing on the application at a location
22 convenient to the site in question and appropriate for public assembly in Hernando
23 County as follows:

24 (a) The applicant shall provide sign notice by posting the property a minimum of
25 ten (10) days prior to the scheduled workshop with a public inquiry workshop
26 notice sign as supplied by the zoning department. The sign notice hereunder
27 shall be in addition to all other sign notice requirements under this article.

28 (b) The applicant shall provide mail notice a minimum of ten (10) days prior to
29 the scheduled public inquiry workshop giving the time, place and purpose of
30 the meeting to each property owner within one thousand (1000) feet of the
31 parcel covered by the application based on the mail list generated by the
32 property appraiser's office. The applicant shall provide the zoning department
33 a copy of the mail list and a notarized affidavit indicating that said notice was
34 mailed. The mail notice hereunder shall be in addition to all other mail notice
35 provisions under this article.

36 (c) The applicant shall provide a citizen sign-in sheet and executive summary
37 explaining what information was provided to the public at the meeting to the
38 administrative official accompanied by a notarized affidavit indicating that
39 the list is an official record of attendance at the meeting. The citizen sign-in
40 sheet and executive summary will become a part of the official application.
41

42 **SECTION III.** Hernando County Code of Ordinances, Appendix A (Zoning), Article V
43 (Administration), Section 4 (Conditional Use Permit), Subsection D(4)(b) and (5)(b) is hereby
44 amended to provide for revisions to the distance requirements for mailed notice for a public
45 inquiry workshop and mailed notice for a public hearing as more precisely delineated with strike-
46 through and underlined text below:

1 D. *Application procedure for conditional uses that require planning and zoning*
2 *commission approval:*

3 (4) Public inquiry workshop.

4 (b) The applicant shall provide mail notice a minimum of ten (10) days prior to
5 the scheduled public inquiry workshop giving the time, place and purpose of
6 the meeting to each property owner within ~~five hundred (500)~~ one thousand
7 (1000) feet of the parcel covered by the application based on the mail list
8 generated by the property appraiser's office. The applicant shall provide the
9 planning department a copy of the mail list and a notarized affidavit
10 indicating that said notice was mailed. The mail notice hereunder shall be in
11 addition to all other mail notice provisions under this article.

12
13 (5) Notice requirements for public hearing:

14 (b) Additionally, the planning department shall provide mail notice giving the
15 time, place, and purpose of the public hearing to each property owner within
16 ~~two hundred fifty (250)~~ five hundred (500) feet of the parcel covered by the
17 application based upon the mail list generated by the property appraiser's
18 office and furnished by the applicant. The notice shall be mailed at least ten
19 (10) days prior to the scheduled public hearing date.

20
21 **SECTION IV.** Hernando County Code of Ordinances, Appendix A (Zoning), Article V
22 (Administration), Section 8 (Special Exception Use Regulations), Subsection E(1)(b) and F(2) is
23 hereby amended to provide for revisions to the distance requirements for mailed notice for a
24 public inquiry workshop and mailed notice for a public hearing as more precisely delineated with
25 strike-through and underlined text below:

26
27 E. *Public inquiry workshop.*

28 (1) Upon determination of need by the County staff based upon the number of public
29 inquiries or the size and complexity of the proposed project, the applicant shall be
30 required to conduct a Public Inquiry Workshop prior to the scheduling of a public
31 hearing on the application at a location convenient to the site in question and
32 appropriate for public assembly in Hernando County as follows.

33 b. The applicant shall provide mail notice a minimum of ten (10) days prior to
34 the scheduled Public Inquiry Workshop, giving the time, place and purpose of
35 the meeting to each property owner within ~~five hundred (500)~~ one thousand
36 (1000) feet of the parcel covered by the application based on the mail list
37 generated by the Property Appraiser's Office. The applicant shall provide the
38 planning department a copy of the mail list and a notarized affidavit
39 indicating that said notice was mailed. The mail notice hereunder shall be in
40 addition to all other mail notice provisions under this article.

41
42 F. *Required notice for public hearing:*

43 (2) *Mail notice.* The planning department shall provide mail notice giving the time,
44 place, and purpose of the public hearing to each property owner within ~~two~~
45 ~~hundred fifty (250)~~ five hundred (500) feet of the parcel covered by the
46 application based upon the mail list generated by the Property Appraiser's Office

1 and furnished by the applicant. The notice shall be mailed at least ten (10) days
2 prior to the scheduled public hearing date.
3

4 **SECTION V.** Hernando County Code of Ordinances, Appendix A (Zoning), Article VI
5 (Amendments), Section 1 (Initiation of zoning amendment petition), Subsection D(1)(b) is
6 hereby amended to provide for revisions to the distance requirements for mailed notice for a
7 public inquiry workshop as more precisely delineated with strike-through and underlined text
8 below:
9

10 **D. Public inquiry workshop**

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

17 b. The applicant shall provide mail notice a minimum of ten (10) days prior to the
18 scheduled Public Inquiry Workshop giving the time, place and purpose of the
19 meeting to each property owner ~~five hundred (500)~~ one thousand (1000) feet of
20 the parcel covered by the application based on the mail list generated by the
21 Property Appraiser's Office. The applicant shall provide the planning
22 department a copy of the mail list and a notarized affidavit indicating that said
23 notice was mailed. The mail notice hereunder shall be in addition to all other
24 mail notice provisions under this article.
25

26 **SECTION VI.** Hernando County Code of Ordinances, Appendix A (Zoning), Article VI
27 (Administration), Section 7 (Required notices for public hearing), Subsection A (required mail
28 notice) is hereby amended to provide for revisions to the distance requirements for mailed notice
29 for a public hearing as more precisely delineated with strike-through and underlined text below:
30

31 **A. Required mail notice.** Upon the fixing of a date for a public hearing, the planning
32 department shall provide mail notice giving the time, place and purpose of the public
33 hearing to each property owner within ~~two hundred fifty (250)~~ five hundred (500)
34 feet of the parcel covered by the application based upon the mail list generated by the
35 Property Appraiser's Office and furnished by the applicant. The notice shall be
36 mailed at least ten (10) days prior to the scheduled public hearing.
37

38 Required mailing notice for Public Service Facility Overlay Districts (PSFOD) for a
39 telecommunications tower: The planning department shall provide mail notice giving
40 the time, place and purpose of the public hearing to each property owner within 1.320
41 feet of the parcel covered by the application based upon the mail list generated by the
42 Property Appraiser's Office and furnished by the applicant. The notice shall be mailed
43 at least ten (10) days prior to the scheduled public hearing.
44

45 **SECTION VII. APPLICABILITY.** This Ordinance shall be applicable throughout the
46 unincorporated area of Hernando County.

1 **SECTION VIII. 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 IX. CONFLICTING PROVISIONS.** Special acts of the Florida Legislature
7 applicable only to unincorporated areas of Hernando County, Hernando County ordinances,
8 County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this
9 ordinance to the extent of such conflict except for ordinances concerning either adoption or
10 amendment of the Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.

11
12 **SECTION X. FILING WITH THE DEPARTMENT OF STATE.** The clerk shall be and is
13 hereby directed forthwith to send a certified copy of this ordinance or electronically transmit the
14 ordinance by email to the Bureau of Administrative Code, Department of State, R.A. Gray Bldg.,
15 Room 101, 500 S. Bronough Street, Tallahassee, FL 32399-0250.

16
17 **SECTION XI. INCLUSION IN CODE.** It is the intention of the Board of County
18 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this
19 Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,
20 Florida. To this end, any section or subsection of this Ordinance may be renumbered or re-lettered
21 to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or
22 other appropriate designation.

23
24 **SECTION XII. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing
25 with the Department of State.

26
27 **DULY PASSED AND ADOPTED IN REGULAR SESSION THIS** 8th **DAY OF**
28 November, 2016.

29
30 BOARD OF COUNTY COMMISSIONERS
31 HERNANDO COUNTY, FLORIDA

32
33
34
35 Attest: [Signature]
36 DONALD C. BARBEE JR, CLERK

37
38 By: [Signature]
39 JAMES E. ADKINS, CHAIRMAN

40 (SEAL)

41 **Approved as to Form and**
42 **Legal Sufficiency**

43 By: [Signature]

