

**From:** [Bryant, Linda C.](#)  
**To:** [Ordinances](#)  
**Cc:** [County Ordinances](#)  
**Subject:** [EXT.] -  
**Date:** Wednesday, October 28, 2020 1:41:55 PM  
**Attachments:** [Hernando20201028\\_Ordinance2020\\_12\\_Ack.pdf](#)

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FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

October 28, 2020

Honorable Doug Chorvat, Jr.  
Hernando County Clerk's Office  
20 North Main Street, Rm. 362  
Brooksville, Florida 34601

Attention: Ms. Heidi Kurppe, Deputy Clerk

Dear Mr. Chorvat:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2020-12, which was filed in this office on October 28, 2020.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

ORDINANCE NO. 2020 - 12

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, APPENDIX A (ZONING) BY AMENDING ARTICLE I (PREAMBLE, SHORT TITLES, PURPOSE, DEFINITIONS), SECTION 3 (DEFINITIONS), AND DELETING ARTICLE IV (ZONING DISTRICT REGULATIONS) SECTION 12 (RESORT OVERLAY DISTRICT); BY PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Chapter 163, Part II, Florida Statutes, requires the implementation of these goals, objectives, and strategies through the adoption of consistent land development regulations; and

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

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

SECTION I. Hernando County Code of Ordinances, Appendix A (Zoning) Article I (Preamble, Short Titles, Purpose, Definitions), Section 3 (Definitions), is hereby amended to provide for revisions as more precisely delineated with strikethrough and underline text below:

Section 3. - Definitions

44. *Dwelling, resort:* A single family, multi-family, or townhouse dwelling which is part of a resort development or project specifically designed and regulated under the Resort Residential (RR) District. ~~These dwellings are~~ is leased or purchased, offered for lease or purchase or advertised for lease or purchase on a daily, weekly, monthly, or seasonal basis for tourist or resort usage. This definition does not apply to dwellings permitted in other residential zoning districts that are used as short-term vacation rentals specifically licensed and regulated by the State. ~~The following, either singularly or in combination with others, shall create a presumption of a usage as a resort dwelling:~~

- A. ~~When in combination with either subsection B, C, D or E below, the leasing or purchase of a dwelling for periods of three (3) months or less for two (2) or more times during a calendar year;~~
- B. ~~The offering for lease or purchase of a dwelling for daily, weekly, monthly, or seasonal basis;~~

- 1           C. ~~— The advertising for lease or purchase of a dwelling for a daily, weekly,~~  
2                     ~~monthly, or seasonal basis;~~
- 3           D. ~~— The leasing or purchasing of a dwelling for daily, weekly, monthly, or seasonal~~  
4                     ~~periods as a commercial enterprise involving centralized management, the~~  
5                     ~~conducting of a reservations system and/or the providing of maid or laundry~~  
6                     ~~services;~~
- 7           E. ~~— The leasing or purchasing of a dwelling for daily, weekly, monthly or seasonal~~  
8                     ~~usage by more than a single family.~~

9  
10 **SECTION II.** Hernando County Code of Ordinances, Article IV (Zoning District Regulations)  
11 Section 12 (Resort Overlay District) is hereby deleted as more precisely provided below:  
12

13 **Section 12. ~~Resort Overlay District.~~**

- 14           A. ~~— *Permitted uses.*~~
  - 15                     (1) ~~— Any use permitted in the underlying zoning district.~~
  - 16                     (2) ~~— The renting of any permitted residential structure in the underlying~~  
17                             ~~zoning district on a daily, weekly, monthly or seasonal basis.~~
- 18           B. ~~— *Special regulations.* Access shall be directly to a collector roadway without~~  
19                     ~~going through a residential area.~~
- 20           C. ~~— [*Minimum dimension and area regulations.*] All development must meet, at a~~  
21                     ~~minimum, the dimension and area regulations of the underlying zoning district.~~  
22                     ~~The board of county commissioners may increase the minimum dimension and~~  
23                     ~~area regulations for the proposed use if it is deemed necessary to protect the~~  
24                     ~~health safety and welfare of the citizens of Hernando County. Any reduction of~~  
25                     ~~the minimum dimension and area regulations would require issuance of a~~  
26                     ~~variance.~~
- 27           D. ~~— [*Screening.*] The board of county commissioners may require the property be~~  
28                     ~~screened from contiguous properties by a wall, fence, evergreen hedge, and/or~~  
29                     ~~other approved enclosures.~~

30  
31 **SECTION III. APPLICABILITY.** This Ordinance shall be applicable throughout the  
32 unincorporated area of Hernando County.  
33

34 **SECTION IV. SEVERABILITY.** It is declared to be the intent of the Board of County  
35 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this  
36 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect  
37 the validity of the remaining portions of this ordinance.  
38

39 **SECTION V. CONFLICTING PROVISIONS.** Special acts of the Florida Legislature  
40 applicable only to unincorporated areas of Hernando County, Hernando County ordinances,  
41 County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this  
42 ordinance to the extent of such conflict except for ordinances concerning either adoption or  
43 amendment of the Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.  
44

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

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

5  
6 **SECTION VII. INCLUSION IN 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 VIII. EFFECTIVE DATE.** This ordinance shall take effect immediately upon  
14 filing with the Department of State.

15  
16 **DULY PASSED AND ADOPTED IN REGULAR SESSION THIS** 27<sup>th</sup> **DAY OF**  
17 October, 2020.

18  
19 BOARD OF COUNTY COMMISSIONERS  
20 HERNANDO COUNTY, FLORIDA

21  
22  
23  
24 Attest: Heidi Kuppe, D.C.  
25 for DOUGLAS A. CHORVAT, JR.  
26 CLERK OF CIRCUIT COURT AND  
27 COMPTROLLER

28  
29 By: [Signature]  
30 JOHN MITTEN  
31 CHAIRMAN

32 (SEAL)

33 **Approved as to Form and**  
34 **Legal Sufficiency**



35  
36 By: [Signature]  
37 Kyle Benda, Assistant County Attorney