

APPENDIX A - ZONING

ARTICLE V. - ADMINISTRATION

Section 8. - **Special exception use regulations.**

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

- A. **Powers and duties.** In considering the granting of a special exception permit, the planning and zoning commission shall have the following powers and duties:
- (1) The Commission shall hear and decide on applications for special exception use permits; to decide such questions as are involved in the determination of when special exceptions should be granted; to grant special exceptions with appropriate conditions and safeguards; to deny special exceptions when not in harmony with the purpose and intent of the Land Development Regulations.
 - (2) In granting any special exception, the Commission shall find that such grant will not adversely affect the public interest.
 - (3) In granting any special exception, the Commission may prescribe appropriate conditions and safeguards in conformity with the Land Development Regulations. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance.
 - (4) If a developer fails to obtain a building permit for the vertical construction of the principal or primary building within a period of not more than two (2) years from the approval date or the special exception use is not established during this period, then the special exception use permit shall be null and void.
 - (5) Where deemed appropriate by the Commission, an application for a special exception may be approved as a conditional use subject to the limitations and requirements thereof, including reasonable time limits on such use.
- B. **Special exception general standards.** All special exception uses shall be subject to the following regulations:
- (1) *Uses.* A special exception use shall be used for only those buildings, uses and accessory buildings specifically indicated, and shall not exceed the maximum size, density, intensity, number of units or other measurement or limiting factors so indicated, in the approval of the special exception use.

(2) *Compatibility.* The tract of land must be suitable for the type of special exception use proposed by virtue of its location, shape, topography and the nature of surrounding development.

(3) **Standards.** Required standards and regulations for special exception uses and buildings are as follows:

(a) All special exception uses shall be subject to the general regulations for structures and uses, lots and yards and vehicles contained in this ordinance for principal building and single lot development as well as the specific dimension and area regulations for lots and structures in the specific zoning district in which the special exception use is proposed.

(b) Minimum lot frontage on a street shall be sufficient to permit properly spaced and located access points designed to serve the type of special exception use proposed. The proposed use shall not attract inappropriate traffic volumes, noise or congestion. Wider spacing between access points and intersection street right-of-way lines should be required when the lot has more than the minimum required frontage on a street. All access points shall be specifically approved by the administrative official.

(c) All buildings should be located an adequate distance from all property lines and street right-of-way lines. Greater building setback lines should be required when the lot has more than the minimum lot area required or when deemed necessary to protect surrounding properties.

(d) Landscaped separation shall be provided along all property lines and along all streets serving the premises in conformance with the Hernando County Community Appearance Ordinance and as required by the planning and zoning commission. The premises shall be permanently screened from adjoining and contiguous properties by a wall, fence, evergreen hedge and/or other approved enclosure when deemed necessary to buffer the special exception use from surrounding areas.

(e) The use shall be of a similar architectural scale to existing neighborhood development or take advantage of an existing building for its purposes.

(f) Visual and functional conflict between the proposed use and nearby neighborhood uses, if existent, shall be minimal.

(g) For special exception uses on local streets, traffic generation rates and traffic distribution rates associated with the proposed use will be reviewed to determine whether they exceed those typically associated with local street traffic.

(5) **Special exception runs with the land.** A special exception applies to the property for which it is granted and not to the individual who applies for it. A special exception which has not been discontinued as provided for herein, voluntarily relinquished by the property owner or has become void by operation of law is transferable to any future owner of the land, but it cannot: (i) be transferred by the applicant/property owner to a different site; (ii) be expanded as to size, density, intensity, number of units or other measurement or limiting factor(s) imposed in connection with its original approval; (iii) be changed as to approved use, or (iv) have new uses added. Further, the special exception shall become null and void if the parcel of land granted the special exception is reduced in size from the original approval size, the use for which the special exception is granted is discontinued for a period of two (2) consecutive years or the property owner voluntarily relinquishes the special exception use by notifying the county in writing. Nothing herein shall prevent a property owner that has lost, discontinued or relinquished any special exception use from reapplying by filing a new application and paying all required fees.