


August 12, 2024

**MEMORANDUM**

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**VIA:** Jeffry Rogers, County Administrator  
County Administrator's Office

**FROM:** Cesar Omar DePablo, Planning Administrator   
Planning and Zoning Department

**SUBJECT: Special Exception Actions by the Planning and Zoning Commission on August 12, 2024**

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For the Board's information, on August 12, 2024, the Planning and Zoning Commission (P&Z) held a duly advertised public hearing to consider an advertised request for a Special Exception(s). Attached to this memorandum are the staff reports and actions of the P&Z on the special exception requests at that scheduled public hearing.

A notification letter was sent on Wednesday, August 14, 2024, to inform the petitioners of the P&Z actions. According to Appendix A, Zoning, Article V, Section 8(1) of the Hernando County Code of Ordinances, the Board of County Commissioners (BOCC), by a majority vote, may decide to review any special exception decision rendered by the P&Z. If at least a majority (three (3) members) of the governing body do not vote to review the P&Z decision within thirty (30) days, which would be Tuesday, September 10, 2024, the P&Z decision shall be deemed final and subject only to review by the circuit court. The review of the decision by the BOCC shall be at a public hearing held within sixty (60) days of the P&Z decision. The board has the authority to continue, on its own motion, to a later date a final decision on any special exception matter pending before it for review.

The review of decision by the BCC would occur on the regular BCC hearing date of Tuesday, October 8, 2024, (calculated from the date of P&Z decision). "Public notice" for this hearing shall mean publication of notice of the time, place and purpose of such hearing one (1) time in a newspaper of general circulation in the county, such publication to be at least five (5) days prior to such hearing, and such notice shall be posted in a conspicuous place or places around such lots, parcels, or tracts of land as may be involved in the hearing. Affidavit proof of the required publication and posting of the notice shall be presented at the hearing.

The Board may affirm, modify, or reverse the decision of the P&Z at the hearing.

**Copies:** Applicant's File

**STAFF REPORT**

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**HEARINGS:** Planning & Zoning Commission: August 12, 2024

**APPLICANT:** Silverstone Investment Properties, LLC

**FILE NUMBER:** SE-24-06

**PURPOSE:** Special Exception Use Permit for a Farmer's Market.

**GENERAL**

**LOCATION:** South side of Cortez Boulevard, approximately 480' west of Avenue of the Palms

**PARCEL KEY**

**NUMBER:** 89727, 89736

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**APPLICANT'S REQUEST:**

The petitioner is requesting a Special Exception Use Permit for a farmers' market. The subject site consists of two (2) parcels equaling 0.70 acres. The proposed use will consist of 24 portable 10'x10' easy up tents for vendors. The petitioner has indicated utilizing one of their vacant parcels for the vendors and providing parking on their neighboring parcel (closed restaurant). There will be onsite portable restrooms that will be serviced weekly.

**SITE CHARACTERISTICS:**

**Site Size:** 0.70 acres (Combined)

**Surrounding Zoning  
Land Uses:**

North: AG; Conservation  
South: Cannel  
East: C-3; Single Family/at home business  
West: CM1; Boat Storage

**Current Zoning:** PDP (NC)/Planned Development Project  
(Neighborhood Commercial)

**Future Land Use  
Map Designation:** Residential

**Flood Zone:** AE

**UTILITIES REVIEW:**

Hernando County Utilities Department (HCUD) currently provides commercial water and sewer service to the existing closed restaurant parcel. HCUD has no objection to the request.

**ENGINEERING REVIEW:**

The parcel is located on the south side of Cortez Boulevard, approximately 480' west of Avenue of the Palms. The existing restaurant parcel is a legal conforming use in reference to setbacks and parking. The petitioner has indicated utilizing both parcels which have direct access to SR 50. The County Engineer has reviewed the request and indicated the following:

- Parking or stacking on Cortez Boulevard or in the right-of-way of Cortez Boulevard will not be permitted.
- Any parking or stacking in the right-of-way shall be deemed the Special Exception Use permit null and void.

**LAND USE REVIEW:**

Places of public assembly are included as special exceptions in all approved zoning districts, Appendix A, Article V, Section 8, subsection C(1)(f) of the Hernando County Code of Ordinances.

**Hours of Operation**

The subject site has an existing restaurant which is currently closed but undergoing renovations. The hours of operation for the Farmers Market cannot overlap the future restaurant hours once it opens due to limited parking.

**Comments:** If approved, the following hours of operation should be considered: Friday, Saturday & Sunday from 9:00 AM to 6:00 PM.

**Setbacks**

Minimum Building Setbacks:

Front: 75'  
Side: 35'  
Rear: 50'

**Comments:** The petitioner has not indicated any new structure. Any future structure shall be required to meet the minimum building setbacks.

**Buffers**

The petitioner has not indicated buffers against the neighboring parcels along the property line.

**Comments:** The proposed use will be utilized on a temporary basis. Any future development will be required to meet the minimum commercial buffering standards.

**Parking**

The petitioner has proposed usage of parking on adjacent parcel 89736. The LDRs indicate that places of public assembly may have up to fifty percent of the required parking spaces (including aisles) surfaced with grass, lawn or other materials as designated in the County parking lot standards; however, if parking demand is such that said grass, lawn or other material is caused to be damaged or destroyed to the extent that said grass or lawn ceases to grow, or the other material otherwise causes a nuisance to the neighborhood, then paving may be required by the Zoning Administrator

**Comments:** If approved, the petitioner must meet the minimum parking requirements of the County LDRs for each of the uses at the time of development.

**Special Exception Use Permits**

A special exception use permit is an additional use which may be granted by the Planning and Zoning Commission (P&Z) in accordance with the Land Development Regulations (LDRs). As part of the review, the P&Z must determine that the tract of land is suitable for the type of special exception use proposed by virtue of its location, shape, topography, and nature of surrounding development. The P&Z has the ability to assign reasonable conditions to the approval.

The special exception use permit is a land use determination only. All applicable development rules would have to be met if the permit is approved. Furthermore, special exception use permits shall be in compliance with the minimum Special Exception Use General Standards, Appendix A, Article V, Section 8(B) of the Hernando County Code.

If the special exception use is not established within a period of not more than two (2) years from the approval date, then the special exception use permit shall be null and void.

**FINDINGS OF FACT:**

The request for a Special Exception Use Permit for an Outdoors Farmers Market is appropriate based on the following conclusions:

The proposed use is compatible with the surrounding area, not adverse to the public interest; and is consistent with the County's adopted Comprehensive Plan.

**NOTICE OF APPLICANT RESPONSIBILITY:**

*The special exception process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.*

*The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowners' associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.*

**STAFF RECOMMENDATIONS:**

It is recommended that the Planning and Zoning Commission approve the petitioner's request for a Special Exception Use Permit for a Place of Public Assembly, namely an outdoor Farmer's Market, with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. Hours of operation will be limited to Friday, Saturday & Sunday from 9:00 AM to 6:00 PM. The restaurant on adjacent parcel key 89736 (Lot 8) and the Farmer's Market cannot have an overlap of hours of operation.
3. For parking to be utilized on adjacent parcel key 89736 (Lot 8), a cross parking agreement should be recorded.
4. There shall be no parking in the county right-of-way.
5. To continue operation of the Farmer's Market after the onsite restaurant opens, parcel key 89727 would require site improvements for parking to meet county commercial standards.

**P&Z ACTION**

On August 12, 2024, the Planning and Zoning Commission voted 3-2 to approve the petitioner's request for a Special Exception Use Permit for a Place of Public Assembly, namely an outdoor Farmer's Market, with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
- ~~2. Hours of operation will be limited to Friday, Saturday & Sunday from 9:00 AM to 6:00 PM. The restaurant on adjacent parcel key 89736 (Lot 8) and the Farmer's Market cannot have an overlap of hours of operation.~~
2. For parking to be utilized on adjacent parcel key 89736 (Lot 8), a cross parking agreement should be recorded.
3. There shall be no parking in the county right-of-way.
4. To continue operation of the Farmer's Market after the onsite restaurant opens, parcel key 89727 would require site improvements for parking to meet county commercial standards.
5. Any operational conflicts with the Farmers Market and the Restaurant as it pertains to parking shall require the petitioner to cease Farmer Market operations until such time parking concerns have been resolved in accordance with the County Engineer.

**STAFF REPORT**

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**HEARINGS:** Planning & Zoning Commission: August 12, 2024

**APPLICANT:** Yoana Iturriaga

**FILE NUMBER:** SE-24-07

**PURPOSE:** Special Exception Use Permit for (2) two Additional Commercial Vehicle Parking

**GENERAL LOCATION:** South side of Crowell Road, approximately 1,700' west of Sunshine Grove Road

**PARCEL KEY NUMBER:** 423143

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**APPLICANT'S REQUEST:**

The petitioner is requesting a Special Exception Use Permit for Commercial Vehicles in order to park (2) two additional Commercial Vehicles on their parcel. The subject site is a 2.5 acre AG(Agricultural) parcel. County LDRs make provisions for the parking of a single commercial vehicle on an AG(Agricultural) when the commercial vehicle is operated by the legal residents of the parcel; however, requires a Special Exception Use Permit for any additional commercial vehicles. The subject site is located 1,700' west of Sunshine Grove Road and surrounded by Agricultural parcels.

**SITE CHARACTERISTICS:**

**Site Size:** 2.5 acres

**Surrounding Zoning and Land Uses:**  
North: AG; Single Family  
South: AG; Single Family  
East: AG; Single Family  
West: AG; Single Family

**Current Zoning:** AG (Agricultural)

**Future Land Use Map Designation:** Rural

**UTILITIES REVIEW:**

Hernando County Utilities Department (HCUD) does not currently provide water or sewer service to this parcel. Water and sewer service are not available to this parcel. HCUD has no objection to the request.

**ENGINEERING REVIEW:**

The subject site is located on the south side of Crowell Road, approximately 1,700' west of Sunshine Grove Road. The petitioner has indicated utilizing their existing driveway for the proposed use. No information on what type of trucks was provided.

- Assuming the proposed trucks are semi-trucks with trailers, the driveway apron will be required to be improved to commercial standards within 90 days of special exception approval.
- Driveway apron installation will require a Right of Way Use Permit issued by the Dept. of Public Works.

**LAND USE REVIEW:**

Specific Regulations

One (1) commercial vehicle, operated by the legal residents of the parcel, is allowed to be parked on an agriculturally zoned parcel. A special exception use permit may be applied for pursuant to Article V, Section 8. Special Exception Use Regulations of this ordinance in the agricultural district to park additional commercial vehicles, operated by the legal residents of the parcel, provided the property is a minimum of 2½ acres in size. This section is not intended to limit the parking of commercial vehicles in the AG district when the vehicles are associated with a permitted AG use on the property.

**Comments:** The petitioner owns the subject 2.5 acre site and therefore meets the minimum County LDRs requirements. The petitioner and spouse are the legal residents of the parcel.

Building Setbacks

Front:	50'
Side:	10'
Rear:	35'

**Comments:** If approved, any commercial vehicle and/or equipment must meet the building setbacks of the AG(Agricultural) zoning district.



A special exception use permit is an additional use which may be granted by the Planning and Zoning Commission (P&Z) in accordance with the Land Development Regulations (LDRs). As part of the review, the P&Z must determine that the tract of land is suitable for the type of special exception use proposed by virtue of its location, shape, topography, and nature of surrounding development. The P&Z has the ability to assign reasonable conditions to the approval.

The special exception use permit is a land use determination only. All applicable development rules would have to be met if the permit is approved. Furthermore, Special Exception Use Permits shall be in compliance with the minimum Special Exception Use General Standards, Appendix A, Article V, Section 8(B) of the Hernando County Code.

If a developer fails to obtain a building permit for the vertical construction of the principal or primary building or the special exception use is not established within a period of not more than two (2) years from the approval date, then the special exception use permit shall be null and void.

**FINDINGS OF FACT:**

The request for a Special Exception Use Permit for Commercial Vehicle Parking is appropriate based on the following conclusions:

The proposed use is compatible with the surrounding area, is not adverse to the public interest; and is consistent with the County's adopted Comprehensive Plan.

**NOTICE OF APPLICANT RESPONSIBILITY:**

*The special exception process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrence. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.*

*The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowner associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.*

**STAFF RECOMMENDATIONS:**

It is recommended that the Planning and Zoning Commission partially approve the petitioner's request for a Special Exception Use Permit for (1) one additional Commercial Vehicle Parking, with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The commercial vehicle shall be parked in accordance with the minimum setbacks of the AG (Agricultural).
3. The commercial vehicle shall be parked in a location screened from the view of adjoining right-of-way and adjacent parcels.
4. A 6' opaque fence must be erected within 90 Days of the Approved Special Exception Permit.
5. The subject site shall be limited to the parking of (1) one additional commercial vehicle.

**P&Z ACTION:**

On August 12, 2024, the Planning and Zoning Commission voted 5-0 to deny the petitioner's request for a Special Exception Use Permit for (2) two additional Commercial Vehicles to be parked on their AG (Agricultural) parcel.