(B)

FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

September 29, 2021

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. 2021-19, which was filed in this office on September 29, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6270

Item E3- Public Comment
1000784

ORDINANCE NO.: 2021- 19

AN ORDINANCE AMENDING APPENDIX A, ARTICLE IV (ZONING DISTRICT REGULATIONS), SECTION 3 (COMMERCIAL DISTRICTS) OF THE HERNANDO COUNTY CODE OF ORDINANCES REGARDING THE AMENDMENT OF THE MAXIMUM BUILDING HEIGHT IN COMMERCIAL DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY:

Section 1. **Modification of Appendix A, Article IV, Section 3 of the Hernando County Code of Ordinances.** Appendix A (Zoning), Article IV (Zoning District Regulations), Section 3 (Commercial Districts) of the Hernando County Code, is hereby amended as follows with underlined verbiage added and stricken language deleted:

D. *Dimension and area regulations:* The following dimension and area regulations shall apply in the respective commercial districts:

(1) *Minimum front yard requirements for all commercial zoning districts:*

(a) The front yard requirement along U.S. 19, S.R. 50, U.S. 41, U.S. 98, U.S. 301, C.R. 578, C.R. 485 shall be one hundred twenty-five (125) feet.

(b) Along all other functionally classified roads not included in (a) above identified on the Existing Functional Classification Map developed by Hernando County, the front setback shall be seventy-five (75) feet; provided, however, any yard variances existing on October 1, 1987, shall remain in full force and effect on property rezoned to CM-1 or CM-2.

(c) Along all roadways not identified on the Existing Functional Classification Map, the minimum front yard requirement is thirty-five (35) feet.

The Existing Functional Classification Map developed by Hernando County is hereby adopted by reference and made part of this section. The official Existing Functional

Classification Map shall be placed on file at the Hernando County Planning Department. The Existing Functional Classification Map may be modified by board resolution at any time upon notice of an advertised public hearing.

(2) *Minimum side yard requirement:* The minimum side yard requirement in all commercial districts is twenty (20) feet.

(3) *Minimum rear yard requirement:* The minimum rear yard requirement in all commercial districts is thirty-five (35) feet. The board may, upon request by the applicant, reduce the required rear yard where such rear yards would be adjacent to railroad sidings if such reduction would not be detrimental to surrounding areas.

(4) *Required land area:* C-3 Commercial Districts shall consist of no more than three (3) acres of land area; A/C Districts shall consist of no more than five (5) acres.

(5) *Commercial lots adjacent to residential districts:* All commercial uses in all commercial districts which are located on lots adjacent to a residential district shall maintain a minimum setback requirement for all structures of thirty-five (35) feet in the side or rear yard adjacent to the residential district. The outermost portion of the thirty-five-foot setback bordering the parcel and adjacent to the residential district shall consist of a five-foot landscaped separation strip. The commercial use located on such lot shall be permanently screened from the adjoining and contiguous residential properties by a wall, evergreen hedge and/or other approved enclosures. Such screening shall be located within the required separation strip and shall have a minimum height of five (5) feet and maximum height of eight (8) feet.

(6) *Commercial water body setbacks in the CM-1 and CM-2 Districts:* Where any of the above (front, side, rear) setbacks in a CM-1 and CM-2 District are adjacent to a navigable water body, the setback may be reduced to twenty-five (25) feet.

(7) *Communication tower setbacks in the C-4 District:* A monopole tower shall meet the setbacks of the C-4 District. In no case shall a monopole tower one hundred (100) feet in height or greater be located within one hundred twenty-five (125) percent of its height to any residentially zoned property unless such property is used or designated for a nonresidential use. In no case shall a monopole tower less than one hundred (100) feet in height be located within one hundred (100) percent of their height to any residentially zoned property unless such property is used or designated for a nonresidential use.

(8) *Maximum building height:* In the C-1, C-2~~,~~ and C-4 Districts the maximum building height is sixty (60) feet.~~;~~ In the OP and A-C, CM-1, and CM-2 Commercial Districts~~,~~ the maximum building height is forty-five (45) feet ~~and/or three (3) stories~~. In C-3 Commercial Districts, the maximum building height is thirty-five (35) feet ~~and/or two (2) stories~~. The maximum building height permitted, except within the C-3 Commercial District, may be increased, provided one additional foot is added to each of the required yards for each additional foot of building height constructed over the maximum building height permitted. In such cases, the minimum side yard requirement shall be thirty-five (35) feet plus one additional foot for each additional foot of building height permitted.

E. *Residential Protection Standards in all commercial districts:*

(1) There shall be no speakers or other sound equipment located within 100 feet of any single-family residential district property line.

(2) There shall be no buildings containing alcoholic beverage dispensation establishments, convenience stores, or automotive and truck repair establishments located within 100 feet of any single-family residential district property line.

(3) No commercial activities which include customer entrances, drive-up windows, ordering boxes, or loading/unloading areas shall be allowed to operate between the hours of 12 midnight and 7:00 a.m. within 100 feet of any single-family residential district property line.

(4) No building within 100 feet of any single-family district residential district property line shall be more than 20 feet in height.

(5) All loading bays and loading docks must be a minimum of 100' from any residential district property line. Additionally, all loading bays and loading docks must be screened from view from the public right-of-way or single-family residential district property line. Screening may include landscape plantings, berms, fences, or walls.

(6) Air conditioning and/or other operational equipment must be oriented away from single family residentially zoned property or screened to minimize noise impacts and reduce visual incompatibility to the single family residentially zoned property. Screening may

Section 2. Severability. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

Section 3. Inclusion in the Code. It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section," "article," or any other appropriate designation.

Section 4. Conflicting Provisions Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY in Regular Session this 28th day of September 2021.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

Attest: Heidi Kruppa, D.C.
for DOUG CHORVAT, JR.
Clerk

By: _____
JOHN ALLOCCO
Chairman

BOARD OF COUNTY COMMISSIONERS HERNANDO COUNTY, FLORIDA SEAL

Approved for Form and Legal Sufficiency

_____
Assistant County Attorney

FLORIDA HOUSING FINANCE CORPORATION
LOCAL GOVERNMENT VERIFICATION THAT DEVELOPMENT IS CONSISTENT WITH ZONING AND LAND USE REGULATIONS

Name of Development: Vesta at Osowaw

Development Location: Osowaw Blvd, SE of the intersection of Osowaw Blvd and Mine Access Rd, unincorporated Hernando County

(At a minimum, provide the address number, street name and city, and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county). The location of all Scattered Sites, if applicable, must also be included.

Number of Units in the Development: 90

This number must be equal to or greater than the number of units stated by the Applicant in Exhibit A of the RFA.

The undersigned Local Government representative confirms that, as of the date that this form was signed, the above referenced Development's proposed number of units, density, and intended use (i) are consistent with current land use regulations and zoning designation; OR (ii) are approved pursuant to sections 125.01055(6) and 166.04151(6), Florida Statutes; OR (iii) are consistent with sections 125.01055 (7) and 166.04151 (7), Florida Statutes; OR, (iv) if the Development consists of rehabilitation, the intended use is allowed as a legally non-conforming use.

CERTIFICATION

I certify that the City/County of Hernando (Name of City/County) has vested in me the authority to verify consistency with local land use regulations and zoning designation or, if the Development consists of rehabilitation, the intended use is allowed as a "legally non-conforming use" and I further certify that the foregoing information is true and correct. In addition, if the proposed Development site is in the Florida Keys Area as defined in Rule Chapter 67-48, F.A.C., I further certify that the Applicant has obtained the necessary Rate of Growth Ordinance (ROGO) allocations from the Local Government.

Signature	1653 BLAISE DRIVE Address (street address, city, state)
CESAR OMAR DEPABLO Print or Type Name	BROOKVILLE, FL 34601 Address (street address, city, state)
DEVELOPMENT SERVICE DIRECTOR Print or Type Title	352-754-4057 Telephone Number (including area code)
9/29/25 Date Signed	

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from elected local government officials are not acceptable, nor are other signatories. If there are alterations made to this form that change the meaning of the form, the form will not be accepted.

FLORIDA HOUSING FINANCE CORPORATION
LOCAL GOVERNMENT VERIFICATION THAT DEVELOPMENT IS CONSISTENT WITH ZONING AND LAND USE REGULATIONS

Name of Development: Sterling Hills

Development Location: South side of Spring Hill Drive approx. 1,100 feet East of the intersection of Spring Hill Drive and Barclay Avenue, Spring Hill, FL

(At a minimum, provide the address number, street name and city, and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county). The location of all Scattered Sites, if applicable, must also be included.

Number of Units in the Development: 120

This number must be equal to or greater than the number of units stated by the Applicant in Exhibit A of the RFA.

The undersigned Local Government representative confirms that, as of the date that this form was signed, the above referenced Development's proposed number of units, density, and intended use (i) are consistent with current land use regulations and zoning designation; OR (ii) are approved pursuant to sections 125.01055(6) and 166.04151(6), Florida Statutes; OR (iii) are consistent with sections 125.01055 (7) and 166.04151 (7), Florida Statutes; OR, (iv) if the Development consists of rehabilitation, the intended use is allowed as a legally non-conforming use.

CERTIFICATION

I certify that the City/County of HERNANDO COUNTY (Name of City/County) has vested in me the authority to verify consistency with local land use regulations and zoning designation or, if the Development consists of rehabilitation, the intended use is allowed as a "legally non-conforming use" and I further certify that the foregoing information is true and correct. In addition, if the proposed Development site is in the Florida Keys Area as defined in Rule Chapter 67-48, F.A.C., I further certify that the Applicant has obtained the necessary Rate of Growth Ordinance (ROGO) allocations from ~~the Local~~ Government.

Signature

CESAR OMAR DEPABLO
Print or Type Name

DEVELOPMENT SERVICE DIRECTOR
Print or Type Title

9/24/25
Date Signed

1653 BLAISE DRIVE
Address (street address, city, state)

BROOKSVILLE, FL 34601
Address (street address, city, state)

352-754-4057
Telephone Number (including area code)

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from elected local government officials are not acceptable, nor are other signatories. If there are alterations made to this form that change the meaning of the form, the form will not be accepted.