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## Section 2. Zoning permit and certificate of use.

A. *[Zoning permit required prior to construction or permit:]* A zoning permit shall be required for any of the following unless otherwise provided for in this ordinance:

- (1) Excavation, construction or alteration relating to any building;
- (2) Excavation, construction or alteration relating to any of the following structures:
  - (a) Signs;
  - (b) Structures with impervious roof coverings greater than five (5) feet in height or ~~forty (40) one hundred and twenty square feet in size;~~
  - (c) Boat lifts;
  - (d) Towers;
  - (e) Retaining walls;
  - (f) Docks;
  - (g) Decks;
  - (h) Residential remodel;
  - (i) Any alteration which changes a setback;
  - (j) Other similar items as determined by the administrative official.

It shall be unlawful and a violation of this Code to commence any excavation or construction or any alteration of any structure which requires a zoning permit until the administrative official has issued a zoning permit authorizing such work. If no zoning permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record and evidence of the lack of a zoning permit shall establish a prima facie case for the issuance of the restraining order.

B. *Certificate of use prior to occupancy and change of use:* It shall be unlawful and a violation of this Code to occupy any newly erected or altered structure or to change the use of any premises even though no structure was erected or altered until the administrative official has issued a certificate of use authorizing such occupancy.

C. *Exceptions:* No zoning permit or certificate of use shall be required in the following cases:

- (1) Recurring maintenance work regardless of cost.
- (2) Installation of required improvements according to authorized subdivision construction drawings.
- (3) Alterations to residential structures which do not change the exterior dimensions of the structure.

D. *Procedure:*

- (1) The procedure for securing a zoning permit shall be as follows:
  - (a) *Application:* In applying to the administrative official for a zoning permit, the applicant shall submit a plat along with the application, drawn to scale, showing the dimensions of the lot to be built upon, the outside dimensions of all structures to be constructed or altered and all existing structures, yard depths, and any other information necessary for determining conformance with the zoning ordinance. The applicant shall submit a sworn statement attesting to compliance with applicable federal, state and local permits/approvals in the form approved by the Department.

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- (b) *Issuance:* If the proposed construction or alteration conforms with all applicable provisions of the zoning ordinance and all other applicable ordinances, regulations and codes, the administrative official shall issue a zoning permit authorizing such construction or alteration. If the proposed construction or alteration fails to conform, the administrative official shall refuse to issue a zoning permit and shall deliver written notice to the applicant stating the reasons for the refusal. The administrative official shall act upon applications for zoning permits within two (2) weeks from the date of their submission.
- (c) *Duration:* A zoning permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized therein. Substantial progress, as set forth herein, shall mean that binding contracts for the construction of the main building, buildings, or other improvements have been let; or in the absence of contracts that the main building, buildings, or other improvements, are under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed.
- (2) The procedure for securing a certificate of use shall be as follows:
- (a) *Application:* In applying to the administrative official for a certificate of use, the applicant shall submit a plat along with the application, drawn to scale, showing the dimensions of the lot to be built upon, the outside dimensions of all structures to be constructed or altered and all existing structures, yard depths, and any other information necessary for determining conformance with the zoning ordinance. In applying to the administrative official for a certificate of use, the applicant shall notify the administrative official in writing of the date on which the occupancy of any new or altered structure or the new use of any premises will be ready to commence. The applicant shall submit a sworn statement attesting to compliance with applicable federal, state and local permit/approval in a form approved by the Department.
- (b) *Issuance:* If the newly erected or altered structures and the new use of premises conform with all applicable provisions of the zoning ordinance and all other applicable ordinances, regulations, and codes, the administrative official shall issue a certificate of use authorizing the occupancy thereof. If the structure or use fails to conform, the administrative official shall refuse to issue a certificate of use and shall deliver written notice to the applicant stating the reasons for the refusal. The administrative official shall inspect a new structure on the premises for which a new use is proposed and shall issue or refuse a certificate of use within three (3) days after the date on which the new use is ready to commence.
- (3) *Validity/no waiver/estoppel.* The issuance of a certificate of use or zoning permit by the County shall not waive any provision or regulation of the Hernando County Code. The failure of the County to address a particular permit, approval, condition, term, or restriction shall not relieve the Applicant of the necessity of complying with the law governing said use, permitting requirements, conditions, terms, or restrictions. It is for the Applicant to ascertain from the local code what is required to obtain the use or development sought. No rights to obtain development orders, permits or approvals nor any other rights to develop or engage in use or construction on property in Hernando County have been granted or implied simply by the County's approval of a Certificate of Use or Zoning Permit under this Article. The Applicant may not attempt to force, coerce, or intimidate the County to approve any other permit or authorization by asserting that the County has committed to such approvals based on the theory of vested rights or equitable estoppel or any other legal theory based on the County's approval of use or construction under this Article.

(Ord. No. 76-2, § 20, 2-17-76; Ord. No. 98-24, § 6, 8-25-98; Ord. No. 2003-02, § 11, 2-11-03; Ord. No. 2012-7, § III, 6-12-12)