


# P&Z SPECIAL EXCEPTION RESULTS FROM APRIL 8, 2024

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## **MEMORANDUM**

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

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

**FROM:** Omar DePablo, Planning Administrator   
Planning Department

**SUBJECT:** Special Exception Actions by the Planning and Zoning Commission on April 8, 2024

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For the Board's information, on April 8, 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.

Due to the network interruption a notification letter will be sent as soon as possible, 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, 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 May 8, 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 BCC 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, June 11, 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

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## STAFF REPORT

**HEARINGS:** Planning & Zoning Commission: April 8, 2024

**APPLICANT:** Ellis Severietti

**FILE NUMBER:** SE-24-04

**PURPOSE:** Special Exception Use Permit for Outdoor Storage

**GENERAL LOCATION:** East and west side of Needham Court, approximately 500' south from the intersection of Nicasio Jay Court and Needham Court

**PARCEL KEY NUMBER:** 741941, 742003

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## APPLICANT REQUEST

The petitioner is requesting a Special Exception Use Permit for Outdoor Storage of RV, boats and trailers. The proposed project consists of two parcels, Lot 14, 0.49 acres and Lot 23, 0.74 acres. The parcels are not adjacent to each other and are separated by Needham Court, with one parcel on the east and the other along the west. The petitioner has indicated the outdoor storage facility will provide covered parking, security fencing and cameras. The parcels are zoned C-2 (Highway Commercial). Outdoor storage is a Special Exception Use in the C-2 (Highway Commercial) district.

## SITE CHARACTERISTICS:

**Site Size:** Lot 14, 0.49 acres; Lot 23, 0.74 acres

**Surrounding Zoning and Land Uses:** North: AG; Undeveloped  
South: AG, AC C1; Restaurant, Retail Shed Sales East: CPDP; Lake Hideaway Subdivision.  
West: C2; Undeveloped

**Current Zoning:** C-2/(Highway Commercial)

**Future Land Use Map Designation:** Commercial and Residential

**Flood Zone:** X

## ENVIRONMENTAL REVIEW:

**Soil Type:** Basinger Fine Sand

**Hydrologic**



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**Features:** The subject property contains no wetlands or Special Protection Areas (SPA) according to County data resources.

**Protection**

**Features:** The property contains no Wellhead Protection Areas (WHPA) according to County data resources.

## **UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) has indicated they currently do not supply water or sewer service to this parcel. There is an existing 16-inch water main that runs along the west side of Commercial Way. There is an existing 20-inch sewer force main that runs along the east side of commercial way. HCUD has no objection to the request, subject to connection to the central water and sewer systems (Parcel Key #742003), as would be required by ordinance, if habitable structures were to be constructed.

## **ENGINEERING REVIEW:**

The subject site is located on the east and west side of Needham Court, approximately 500' south from the intersection of Nicasio Jay Court and Needham Court. The petitioner has indicated utilizing Nicasio Jay Court and Needham Court for access. The County Engineer has reviewed the petitioner's request and indicated driveways will be required to meet Hernando County standards.

## **LAND USE REVIEW:**

### **Setbacks:**

Proposed Building Setbacks:

- Front: 35'
- Side: 20'
- Rear: 35'

### **Screening:**

Hernando County Land Development Regulations require that screening of outdoor storage from adjoining and contiguous properties by a wall, fence or other approved enclosures. Screening shall meet an eighty (80) percent opacity standard. Such screening shall be located behind the building line and shall have a minimum height of five (5) feet and maximum of eight (8) feet.

**Comments:** The petitioner has indicated the outdoor storage will be shielded by a chain-link fence. If approved, the petitioner shall add slats to the exiting chain link fence in order to properly screen the outdoor storage.

### **Lighting:**

County LDRs require lighting that enhances the visual impact of the project on the community and to specifically address lighting intensity levels and glare accordingly. Commercial buildings and projects shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles.

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**Comments:** If approved, security lighting shall be shielded in order to prevent any offsite spillage.

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. 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 can 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 follow 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.

## COMPREHENSIVE PLAN REVIEW:

Lot 23 is located within the Commercial Land Use designation and Lot 14 is located within the Residential Land Use designation on the Hernando County Comprehensive Plan. Both parcels have existing C-2 (Highway Commercial) zoning. Outdoor storage is a Special Exception Use in the C-2 (Highway Commercial) district.

**Strategy 1.04A(6):** The **Commercial Category** provides for commercial uses including products and services along major corridors and at roadway intersections to serve residents and visitors on both a localized and regionalized basis. The Commercial Category recognizes existing commercial use corridors along U.S. Highway 19 and State Route 50 and existing and planned commercial nodes at intersections of arterial and/or collector roads. The Commercial Category includes small unmapped existing commercial properties. The Commercial Category also recognizes the ability to designate infill parcels for commercial use lying in proximity to and between, but not necessarily contiguous to, other existing commercially designated properties.

**Comments:** The proposed use is consistent with the Commercial Category of the Hernando County Comprehensive Plan.

## FINDINGS OF FACT:

The request for a Special Exception Use Permit for Outdoor Storage is consistent with the County's adopted Comprehensive Plan, compatible with the surrounding land uses, and is not adverse to the public interest subject to compliance with all recommended performance conditions.

## 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*



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*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 approve the petitioner's request for a Special Exception Use Permit for Outdoor Storage 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. A wildlife survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
3. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.
4. The petitioner shall be required to add slats to the existing fence in order to properly screen the outdoor storage.
5. Security lighting shall be shielded from the neighboring uses.
6. Minimum Building Setbacks:
  - Front: 35'
  - Side: 20'
  - Rear: 35'
7. Driveways shall be required to meet Hernando County standards.

## **P&Z ACTION:**

On April 8, 2024, the Planning and Zoning Commission voted 4-0 approving request for a Special Exception Use Permit for Outdoor Storage with 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. A wildlife survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.

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3. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.
4. The petitioner shall be required to add slats to the existing fence in order to properly screen the outdoor storage.
5. Security lighting shall be shielded from the neighboring uses.
6. Minimum Building Setbacks:
  - Front: 35'
  - Side: 20'
  - Rear: 35'
7. Driveways shall be required to meet Hernando County standards.

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## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: April 8, 2024

**APPLICANT:** Dallas Latham Jr. & Michelle A Latham

**FILE NUMBER:** SE-24-01

**PURPOSE:** Revision to a Special Exception Use Permit for the Parking of Commercial Vehicles and Equipment

**GENERAL LOCATION:** South side of Sorrel Street, approximately 830' east of Salome Street

**PARCEL KEY NUMBER:** 423107

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### APPLICANT'S REQUEST:

On February 12, 2018, the Planning and Zoning Commission voted to approve the petitioners request for a Special Exception Use Permit for Parking of Commercial Vehicles and Equipment in order to store 12 roll-off containers (12 and 20 yards in size) onsite associated with their business. The petitioner has indicated they operated a dumpster business in which they delivered roll-off containers to customers for the disposal of household items (not regular garbage), yard debris, and construction and demolition material. No hazardous material is allowed. The containers were typically rented out in four (4) day cycles in which the petitioner would then pick up the containers and dispose of items prior to returning to their property for storage. The Planning and Zoning Commission approved the Special Exception Use permit with performance conditions, specifically the storage area size and location and based on the petitioner's testimony limited the number of containers to 12 roll-off containers.

The petitioners current request is to expand the operations from 12 roll-off containers to 60 dumpsters. The petitioner has indicated that they have dedicated a 65' x 122' area on their 4.8 acre parcel. The request included no employees and no customers on the site. The petitioner has not indicated whether the new request includes employees and/or customers.

### SITE CHARACTERISTICS:

**Site Size:** 4.8 Acres

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



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**Current Zoning:** AG/(Agricultural)

**Future Land Use  
Map Designation:** Rural

## **UTILITIES REVIEW:**

The Hernando County Utilities Department has indicated that water and sewer are not available to the site. The site is served by well and septic.

## **ENGINEERING & TRANSPORTATION REVIEW:**

The subject site is located on the south side of Sorrel Street, approximately 830' east of Salome Street. The petitioner has indicated no changes to the existing access. The County Engineering Department has reviewed the request and indicated, if approved, the driveway must be brought up to commercial standards, obtain right of way use permit.

## **LAND USE REVIEW:**

Minimum Building Setbacks:

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

One (1) commercial vehicle, operated by the legal resident(s) of the parcel, is allowed to be parked on an agriculturally zoned parcel, provided the property is a minimum of 2½ acres in size. A special exception use permit may be applied for pursuant to Appendix A, Article V, Section 8 for the additional parking of commercial vehicles and/or equipment.

**Comments:** This section is not intended to limit the parking of commercial vehicles and/or equipment in the AG district when the vehicles are associated with a permitted AG use on the property. The petitioner's business is not associated with a bona fide agricultural operation. The previous approval was based on a Limited at Home Occupation, hence the justification and limiting of the roll-off units to twelve (12).



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The petitioners proposed expansion to 60 dumpster exceeds the standards of the agricultural zoning district and the intensity of the use is considered a commercial use with outdoor storage which requires a C-2 (Highway Commercial) use with a Special Exception Use for outdoor storage or a PDP(GC)/Planned Development Project with a specific C-2 use for outdoor storage. Both commercial districts are not permissible at the current location due to compatibility and comprehensive plan strategies which protect against encroachment of incompatible uses.

## Screening

The petitioner has indicated screening the dumpsters with a chain-link fence and fabric mesh. If approved, the storage area shall be screened by a 6' opaque fence.

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 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.

## **COMPREHENSIVE PLAN REVIEW:**

The subject property is located within the Rural land use classification on the adopted Future Land Use Map. The area is characterized by rural residential uses.

**Objective 1.04C:** The Rural Category allows agriculture, agricultural commercial, agri-industrial, recreation, agritourism and residential land uses of a rural character. Certain neighborhood commercial uses may be allowed subject to locational criteria and performance standards. Residential density is 0.1 dwelling units per gross acre (1 unit per ten

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gross acres) except where otherwise indicated by the strategies listed herein and incorporated into the land development regulations.

### Land Use Compatibility

- Objective 1.10B:** The County shall establish standards by which land use compatibility is evaluated in the review of proposals for Future Land Use Map amendments, zoning changes, and other land development applications.
- Strategy 1.10B(1):** Future Land Use Map amendments should be compatible with surrounding development and minimize impact to natural resources without the need for mitigation measures that are extraordinary in scope or difficult to enforce.
- Strategy 1.10B(2):** Zoning changes should be compatible with surrounding development and minimize impact to natural resources. Impacts may be mitigated through design of building placement, buffers, noise reduction, setbacks and other appropriate planning techniques or performance measures.
- Comments:** The proposed increase is considered too intense for the rural nature of the area. Furthermore, the use at the proposed intensity is not considered part of Bona Fide agricultural operation.
- Strategy 1.10B(3):** Protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the surrounding residential area.
- Comments:** The use is considered a commercial use and poses an encroachment into a rural residential area.

### **FINDING OF FACTS:**

The request to revise Special Exception Use Permit for Parking of Commercial Vehicles and Equipment, for an increase of the previously approved roll-off dumpsters is inappropriate based on the following conclusions:

1. The increase in dumpsters is excessive and presents a commercial use in a rural area. Furthermore, the use is not associated with Bona Fide agricultural operation and is too intense and incompatible with the surrounding area.
2. The request is inconsistent with the County's adopted Comprehensive Plan and is incompatible with the surrounding land uses and is adverse to the public interest.



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### 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 deny the petitioner's request to for a revision to Special Exception Use Permit for the Parking of Commercial Vehicles and the increase of allowable roll-off dumpsters from 12 dumpsters to 60 dumpsters.

### P&Z ACTION:

On April 8, 2024, the Planning and Zoning Commission voted 3-1 to approve the petitioners request for a revision to Special Exception Use Permit for the Parking of Commercial Vehicles and the increase of allowable roll-off dumpsters with the following **modified** 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 petitioner shall be required to add slats to the existing fence in order to properly screen the outdoor storage.
3. Dumpsters on-site shall be limited to 20.
4. A fence around the perimeter of the dumpster storage area shall be installed that is 6' high and screen the property to 80% opacity. A fabric mesh material shall be used to achieve the required opacity. This material shall be maintained in good condition and replaced if damaged.
5. A 20' perimeter undisturbed buffer surrounding the dumpster storage area.