

**RESOLUTION NO. 2022 - 184**

**WHEREAS**, Hernando County has adopted zoning regulations pursuant to Section 125.01(1) and Chapter 163, *Florida Statutes*, which authorize the County to regulate the use of land in the unincorporated areas of Hernando County, Florida, and take action on the request herein; and,

**WHEREAS**, the Hernando County Board of County Commissioners (BOCC) conducted a duly advertised public hearing on July 12, 2022, to consider the requested changes in zoning on the specified parcels in Hernando County, Florida, as more fully described below.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:**

**APPLICANT:** Ortiz Planning Solutions on behalf of Clever Cow, LLC

**FILE NUMBER:** H-22-13

**REQUEST:** Revision to a Master Plan with a rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) and PDP(OP)/Planned Development Project (Office Professional) with specific C-1 uses and Deviations

**GENERAL**

**LOCATION:** South side of Cortez Boulevard, approximately 700' east of Nightwalker Road

**PARCEL KEY**

**NUMBERS:** 1170618, 346717

**APPLICATION;**

**NOTICE:** The rezoning application for a Revision to a Master Plan with a rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) and PDP(OP)/Planned Development Project (Office Professional) with specific C-1 uses and Deviations, is enumerated in the BOCC Action, and is incorporated herein by reference and made a part hereof.

**FINDINGS**

**OF FACT:** ALL of the facts in the record, including the County's staff report memoranda and those facts presented at the public hearings on this matter (Planning and Zoning Commission and BOCC), are incorporated herein by reference and made a material part of this Resolution as integral to the BOCC's Action. The BOCC finds that the record supporting DENIAL of the applicant's request for a Revision to a Master Plan with a rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) and PDP(OP)/Planned Development Project (Office Professional) with specific C-1 uses and Deviations, is credible and constitutes competent substantial evidence. The BOCC finds further:

1. Appendix A, Article VI, Section 7(B) of the Hernando County Code of Ordinances requires that “[t]he applicant shall, upon fixing a date for public hearing on a proposed zoning amendment involving a change in Zoning district classification and not less than ten (10) days prior to the date set for the first public hearing, provide sign notice by posting sign(s) on the parcel of land for which the change in Zoning district classification is proposed. Such sign shall have the size, the shape, design, and color determined by the planning department.” Further, “[t]he sign(s) furnished by the Planning and Development Department shall be posted by the applicant along each front lot line with the bottom of the sign at least three (3) feet above grade on the property being considered for rezoning. The sign cards shall be posted at the outer property line along the road or street frontage and shall be clearly visible. If the frontage is in excess of three hundred (300) feet, posting of the signs shall be determined by the Planning and Development Department . . . After the sign is posted, the applicant shall make an affidavit certifying that he had posted the required sign . . . It is the responsibility of the applicant to ensure that the sign(s) are appropriately posted and remain on the property during the public hearing process in legible condition. If the condition of the sign(s) deteriorate through the process, it shall be the responsibility of the applicant to repost the property at no cost to the county. Failure to maintain the signs in accordance with this section may result in a delay of the public hearing process.”

**FINDING:** The applicant did not pick up the signs advertising the public hearing for this matter from the Planning and Development Department. The applicant also did not post the required signs prior to the public hearing as required by the Hernando County Code of Ordinances.

2. Hernando County Board of County Commissioners Policy Number 24-1 requires that a postponed zoning petition requires the applicant to repost the subject property and to be responsible for all costs incurred. Specifically, “[p]etitions postponed to a date and time certain do not require that the petition be fully re-advertised in accordance with the requirements for public notice, with the exception for the requirement to repost the property.”

**FINDING:** The applicant did not pick up or repost the signs advertising the public hearing postponed to a date certain.

## **CONCLUSIONS OF LAW:**

The BOCC is authorized to act on this matter pursuant to Chapters 125 and 163, *Florida Statutes*. Accordingly, based on the entire record and based upon competent substantial evidence, the BOCC makes the following specific conclusions of law:

1. The application does not comply with Appendix A, Article VI, Section 7(B) of the Hernando County Code of Ordinances.
2. The application does not comply with Hernando County Board of County Commissioners Policy Number 24-1.

**ACTION:**

After public hearings before the Planning and Zoning Commission and the BOCC, and based upon the entire record in this matter, including the findings of fact and conclusions of law above, the BOCC hereby DENIES the applicant's request for a Revision to a Master Plan with a rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) and PDP(OP)/Planned Development Project (Office Professional) with specific C-1 uses and Deviations.

**ADOPTED IN REGULAR SESSION THE 11th DAY OF OCTOBER 2022.**

**BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA**

Attest: Heidi Kuppe, Deputy Clerk  
*fa* **Douglas A. Chorvat, Jr.**  
**Clerk of Circuit Court & Comptroller**

By:   
**Steve Champion**  
**Chairman**

(SEAL)



Approved as to Form and  
Legal Sufficiency

By: 