

ORDINANCE NO.: 2006-08

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3 **AN ORDINANCE AMENDING APPENDIX A (ZONING), ARTICLE V**  
4 **(ADMINISTRATION), SECTION 5 (ZONING COMMISSION) OF THE**  
5 **HERNANDO COUNTY CODE OF ORDINANCES RELATING TO THE**  
6 **REVIEW OF PROPOSED AMENDMENTS TO THE TEXT OF THE**  
7 **ZONING ORDINANCE OR LAND DEVELOPMENT REGULATIONS;**  
8 **PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN**  
9 **EFFECTIVE DATE.**

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11 **WHEREAS**, the Code currently mandates that the Planning and Zoning Commission review  
12 and conduct a public hearing on any proposed amendment to the text of the zoning ordinance or land  
13 development regulation regardless of the nature of said amendment; and,

14  
15 **WHEREAS**, certain amendments to the County's zoning ordinance and land development  
16 regulations are "substantive" in nature (such as involving the layout, setback, design, type,  
17 classification, location or siting of any new development or redevelopment) and these amendments  
18 should continue to have the extra tier of review involving the Planning and Zoning Commission  
19 along with the additional advertising and notice that goes with such review; and,

20  
21 **WHEREAS**, there are some amendments to the County's zoning ordinance and land  
22 development regulations which are "procedural" in nature (such as involving technical, process-  
23 orientated or legal elements) and, therefore, these amendments should not require the extra tier of  
24 review involving the Planning and Zoning Commission along with the additional advertising and  
25 notice that goes with such review; and,

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27 **WHEREAS**, the County can conserve the time and expense involved by not having the  
28 Planning and Zoning Commission conduct hearings on those matters which are purely technical,  
29 process-orientated or legal-related in nature; and,

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31 **WHEREAS**, the County desires to amend Appendix A, Article V, Section 5 of Code as  
32 provided for herein.

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34 **NOW THEREFORE:**

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36 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
37 **HERNANDO COUNTY, FLORIDA:**

38  
39 **SECTION 1. Amending Appendix A (Zoning), Article V (Administration), Section 5**  
40 **(Planning and Zoning Commission).** Appendix A (Zoning), Article V (Administration), Section  
41 5 (Planning and Zoning Commission) is amended to read as follows, with underlined matter added  
42 and struck-through matter deleted:

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44 **Section 5. Planning and zoning commission.**  
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1 The following provisions shall apply to appointees serving on the planning and zoning  
2 commission.

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- 4 A. *Terms of office.* The terms of office for members shall be four (4) years.  
5 Appointments to fill positions vacated or otherwise becoming open prior to  
6 completion of a term shall be made for the remainder of the term. In addition, the  
7 governing body shall appoint two (2) alternate members, designating them as such.  
8 Such alternate members may act only in the temporary absence or disability of any  
9 regular member.
- 10
- 11 B. *Removal from office, vacancies, officers, and rules of procedure.* Removal of  
12 members from office, vacancies, officers, and rules of procedures for the commission  
13 shall be set forth in applicable laws, ordinances and county policies.
- 14
- 15 C. *Functions, powers, duties of commission.* The commission's powers and duties and  
16 exercise of power shall be as set forth in any applicable statute or ordinance, or  
17 pursuant to direction of the governing body. Such duties shall include the  
18 responsibility for holding a public hearing on any proposed comprehensive plan, plan  
19 amendment, element or portion thereof, and for holding a public hearing on any  
20 proposed amendment to the text of the zoning ordinance or land development  
21 regulation that is substantive in nature (i.e. involving the layout, setback, design,  
22 type, classification, location or siting of any new development or redevelopment),  
23 which hearing shall be separate and additional to any subsequent public hearings  
24 required or otherwise authorized before the LPA or any other committees established  
25 by the governing body. The commission may provide comments on the subject of  
26 such a public hearing to the LPA as the commission deems appropriate, provided that  
27 any such comments shall have no official standing with respect to final LPA review  
28 and governing body action. The planning director in his or her option may, but is not  
29 required to, bring any proposed amendment to the text of the zoning ordinance or  
30 land development regulation that is solely technical, process-orientated, or legal-  
31 related in nature before the commission to review and conduct a public hearing  
32 thereon.

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34 (Ord. No. 76-2, § 21, 2-17-76; Ord. No. 81-8, § 2, 10-27-81; Ord. No. 2002-02, § 8, 2-12-02,  
35 Ord. No. 06- - -06).

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

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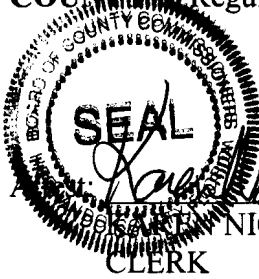
42 **SECTION 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners of  
43 Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall  
44 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end,  
45 any section or subsection of this Ordinance may be renumbered or relettered to accomplish such

1 intention, and the word "ordinance" may be changed to "section, "article," or other appropriate  
2 designation.

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4 **SECTION 4. Effective date.** This ordinance shall take effect immediately upon filing with the  
5 Department of State.

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7 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO**  
8 **COUNTY** in Regular Session this 6<sup>th</sup> day of June, 2006.

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SEAL  
BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA  
NICOLAI  
CLERK

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

By: *Diane B. Rowden*  
DIANE B. ROWDEN  
CHAIRPERSON

(SEAL)

**Approved as to Form and  
Legal Sufficiency**

By: *[Signature]*  
Assistant County Attorney