

Hernando County Comprehensive Plan
2040 PLAN
Section A. Chapter 12.
PROPERTY RIGHTS ELEMENT

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GOAL 12.02 – Property Rights**Hernando County will recognize property rights interests in local decision-making.****Property and Vested Rights**

Objective 12.02A: Private property rights will be protected through alternative development techniques, the continuance of non-conformities, procedures for vested rights and other appropriate mechanisms.

- Strategy 12.02A(1):** Alternate methods for property development that may be considered by the County to assist in preserving development rights while carrying out the objectives of this Plan include transferable development rights, density bonuses, variances, waivers, deviations, planned developments, clustering, conservation easements, buffers, open space preservation and other flexible development techniques.
- Strategy 12.02A(2):** Existing legal zonings and related entitlements/property rights that do not conform with the Future Land Use Map Category shall be allowed to continue under this Plan and their entitlements shall not be diminished.
- Strategy 12.02A(3):** The continued existence of lawful structures, uses and lots that no longer conform with newly adopted or revised strategies or codes shall be provided for in the land development regulations with appropriate standards.
- Strategy 12.02A(4):** It is Hernando County’s intention that this Comprehensive Plan and implementing land development regulations be applied with consideration for private property rights so as to not be unduly restrictive, and that property owners will be free from actions by the County which would harm their property or which would constitute an inordinate burden on property rights as outlined in Florida Statutes Chapter 70, entitled the “Bert J. Harris, Jr., Private Property Rights Protection Act.”
- Strategy 12.02A(5):** The following rights shall be considered in Hernando County’s local decision making:
- a. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
 - b. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

- c. The right of a property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- d. The right of a property owner to dispose of his or her property through sale or gift.

Strategy 12.02A(6): A party or its designated successor in interest to a development agreement and a local government may amend or cancel a development agreement without securing the consent of other parcel owners whose property was originally subject to the development agreement, unless the amendment or cancellation directly modifies the allowable uses or entitlements of such owners' property.