

ORDINANCE NO. 2001-06

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES APPENDIX A, ZONING; BY AMENDING ARTICLE I, (SHORT TITLE; DEFINITIONS) SECTION 3. DEFINITIONS, THROUGH MODIFICATION AND ADDITION; BY AMENDING ARTICLE II, GENERAL REGULATIONS, SECTION 2. GENERAL REGULATIONS FOR STRUCTURES AND USES BY AMENDING LETTER (G) STANDARDS FOR DETERMINATION OF SIMILARITY IN EXTERIOR APPEARANCE FOR SINGLE FAMILY HOMES AND MANUFACTURED BUILDINGS; BY AMENDING ARTICLE II, GENERAL REGULATIONS, SECTION 2. GENERAL REGULATIONS FOR STRUCTURES AND USES BY ADDING (H) STANDARDS FOR TEMPORARY STRUCTURES AND USES; BY AMENDING ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 2. RESIDENTIAL DISTRICTS (A) R-1A, RESIDENTIAL DISTRICT, THROUGH MODIFICATION OF STANDARDS RELATING TO MAXIMUM BUILDING COVERAGE AND STANDARDS FOR ACCESSORY STRUCTURES; BY AMENDING ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 2. RESIDENTIAL DISTRICTS (B) R-1B, RESIDENTIAL DISTRICT, THROUGH MODIFICATION OF STANDARDS RELATING TO MAXIMUM BUILDING COVERAGE AND STANDARDS FOR ACCESSORY STRUCTURES; BY AMENDING ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 2. RESIDENTIAL DISTRICTS (C) R-1C, RESIDENTIAL DISTRICT, THROUGH MODIFICATION OF STANDARDS RELATING TO MAXIMUM BUILDING COVERAGE AND STANDARDS FOR ACCESSORY STRUCTURES BY AMENDING ARTICLE IV, SECTION 2. (D) R-2.5, RESIDENTIAL DISTRICTS, THROUGH MODIFICATION OF STANDARDS RELATING TO MAXIMUM BUILDING COVERAGE AND STANDARDS RELATING TO ACCESSORY STRUCTURES; BY AMENDING ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 3. COMMERCIAL DISTRICTS, (B) PERMITTED ACCESSORY USES AND STRUCTURES IN ALL COMMERCIAL DISTRICTS, THROUGH MODIFICATION; BY AMENDING ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 3. COMMERCIAL DISTRICTS, A. PERMITTED USES (4) PERMITTED USES IN THE C-4 HEAVY HIGHWAY COMMERCIAL DISTRICT; BY AMENDING ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 4. INDUSTRIAL DISTRICTS, (1) PERMITTED USES IN THE I-1 LIGHT INDUSTRIAL DISTRICT; BY AMENDING APPENDIX A, ARTICLE V, ADMINISTRATION, SECTION 4. CONDITIONAL USE PERMIT; AMENDING APPENDIX A, ARTICLE V, ADMINISTRATION, SECTION 4. CONDITIONAL USE PERMIT, THROUGH ADDITION OF SUBSECTION (F), ENFORCEMENT; BY AMENDING ARTICLE VI, AMENDMENTS, SECTION 1. SUBMISSION OF ZONING AMENDMENT PETITION, BY MODIFICATION; AMENDING ARTICLE VIII, SECTION 1. PLANNED DEVELOPMENT PROJECTS, THROUGH MODIFICATION OF STANDARDS RELATING TO MAXIMUM BUILDING COVERAGE AND ACCESSORY STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

FOR AN EFFECTIVE DATE.

SECTION 1. BY AMENDING ARTICLE I (SHORT TITLE; DEFINITIONS), SECTION 3. DEFINITIONS, THROUGH ADDITION AS FOLLOWS:

ARTICLE I.

Section 3. Definitions.

113. Recycling Collection Facility: A facility in which recyclables, such as newspapers, magazines, books and other paper products; glass; metal cans; wood products, and other products, are collected, sorted and bundled for distribution to recycling facilities. No processing of recyclables takes place at the collection facility.
114. Roadside Sales: wholesale or retail sales of food , or other items from roadside stands or vehicles on unimproved properties.

SECTION 2. BY AMENDING ARTICLE II, GENERAL RELATIONS, SECTION 2. GENERAL REGULATIONS FOR STRUCTURES AND USES BY AMENDING LETTER (G) STANDARDS FOR DETERMINATION OF SIMILARITY IN EXTERIOR APPEARANCE FOR SINGLE FAMILY HOMES AND MANUFACTURED BUILDINGS, AS FOLLOWS:

ARTICLE II. GENERAL REGULATIONS

Section 2. General regulations for structures and uses.

- G. Standards for Determination of Similarity in Exterior Appearance for Single-Family Homes and Manufactured Buildings:

Prior to the issuance of a building permit for a single family home or manufactured building within specified zoning districts in the land development regulations, a determination of similarity in exterior appearance must be made. To be deemed similar, a single family dwelling or manufactured building shall have the electrical service meter can attached to the residence and shall have non-metal stairs for the front entrance within the specified zoning districts which require a determination of similarity in exterior appearance. In addition the single family residence or manufactured building shall meet either category 1 or category 2 similarity standards.

The determination shall be made by the County Administrator or his designee pursuant to the standards in category 1 or category 2 below:

Compliance with all of the standards in category 1 constitutes a determination of similarity in exterior appearance.

Category 1:

- a. Four inch (4") thick brick veneer construction on all exterior walls or concrete block or concrete wall construction; and,
- b. Built on a stem wall with a continuous footing or on a monolithic slab; and,
- c. Minimum roof pitch of 3 on 12; and,
- d. Minimum 900 square foot living area; and,
- e. Mandatory attached garage, a minimum of 10' x 20', unless the home is located within the V-zone. Attached means architecturally integrated into the design of the residence and structurally connected or connected by a breezeway, roof or other similar attachment.

If a proposed single family home or manufactured building fails to be determined similar in exterior appearance pursuant to the standards in category 1, the residence will be reviewed pursuant to the standards in category 2. All proposed single family dwellings or manufactured buildings reviewed under category 2 shall be compared to the three (3) closest residences within the same subdivision or the same subdivision unit, whichever is applicable and within the same zoning district. Approval shall not be granted unless it is found that the single family dwelling or manufactured building is substantially similar with regards to the category 2 criteria. In order to be determined substantially similar, the proposed single family dwelling or manufactured building shall meet a minimum of 6 of the 8 criteria. Criteria 5, 6, 7, and 8 must be established as 4 of the 6 minimum criteria.

Category 2.

1. Ground effect: refers to the height of the residence and height of entryway from ground level.
2. Roof pitch: within 2-12ths of the pitch of the average of the three (3) closest residences.
3. Roof materials: asphalt shingles, tile, slate, wood shakes or wood shingles shall be considered compatible roof material. Any other roof material will be compared to the three (3) closest residences. If two (2) out of three (3) of the closest residences have utilized the alternate roof material, it will be considered compatible.
4. Siding materials: same material as at least two (2) of the three (3) closest residences.
5. Permanent foundation: on a stem wall with continuous footing, a monolithic slab, or permanent foundation designed to meet the criteria of the flood regulations in flood prone areas
6. View: at least the same number of legs along the front of the residence as the average of the three (3) closest residences rounded up to the closest round number. Leg shall mean a minimum 4' offset from the front of the main building

with the other dimension being a minimum of 8'. Legs must be covered by the same roof material as the main structure and includes porches.

7. Mandatory attached garage, a minimum of 10' x 20' in size, unless the home is located within the V-zone, or two (2) out of three (3) of the closest residences do not have a garage. In cases where the proposed single family home or manufactured building is larger in square footage than two (2) out of three (3) of the closest residences and is proposed to have at least the same number of legs along the front of the residence as two (2) out of three (3) of the closest residences, an attached garage is not mandatory. Attached means architecturally integrated into the design of the residence and structurally connected or connected by a breezeway, roof or other similar attachment.
8. Minimum 900 square feet of living area unless two (2) out of three (3) of the closest residences are smaller than 900 square feet. If two (2) out of three (3) of the closest residences are smaller, the minimum living area will be as specified in the zoning district.

The criteria included in this section are use standards.

SECTION 2. BY AMENDING ARTICLE II, GENERAL RELATIONS, SECTION 2. GENERAL REGULATIONS FOR STRUCTURES AND USES BY ADDING LETTER H. REGULATION FOR TEMPORARY USES AND STRUCTURES AS FOLLOWS:

H. Regulations for Temporary Uses and Structures:

1. Temporary uses and structures as provided for in this code may be allowed with approval by the Development Review Committee subject to meeting the following standards:
 - a. A site plan depicting the proposed use in relation to the overall parcel on which it is to be located must be provided.
 - b. Driveway access permits shall be obtained.
 - c. Adequate parking shall be provided in conformity with the required standards for the use without reducing the required parking for the established permitted activity
 - d. A covered trash or garbage receptacle with a plastic liner will be kept on site.
 - e. Adequate restroom facilities shall be provided.
2. Seasonal sales of plants and plant material shall be allowed as a temporary use in the parking area of established churches, schools and fraternal organizations. Seasonal sales uses must meet the criteria in item 1 above.
3. Roadside Sales are prohibited unless otherwise authorized by the County's Land Development Regulations.

SECTION 3. BY AMENDING ARTICLE IV, ZONING DISTRICT

**REGULATIONS, SECTION 2. (B) R-1B RESIDENTIAL DISTRICT,
B.(4)(h) MAXIMUM BUILDING AREA THROUGH
MODIFICATION, AS FOLLOWS:**

Section 2. Residential Districts.

The following regulations shall apply in Residential Districts as indicated:

B. *R-1B Residential District*

- (4) *Dimension and area regulations.* The following dimension and area regulations shall apply in the district:
- (h) Maximum building area: The maximum building area shall be thirty-five (35) percent of the lot area.

**SECTION 4. BY AMENDING ARTICLE IV, ZONING DISTRICT
REGULATIONS, SECTION 2. (B) R-1B RESIDENTIAL
DISTRICT, B.(4)(k) STANDARDS RELATING TO ACCESSORY
STRUCTURES AS FOLLOWS:**

- (k) Accessory Structures:
- i. Accessory buildings are permitted only in side and rear yards. Such accessory buildings shall be at least five (5) feet from side and rear lot lines.
 - ii. Non-commercial piers and boat houses are permitted in the side and rear yard, provided the structure is at least five (5) feet from side property lines. No setback is required from lot lines adjoining waterways.
 - iii. Swimming pools and screened swimming pool enclosures are permitted only in the side or rear yard and must be at least five (5) feet from side and rear property lines.
 - iv. Attached carports shall meet the principal building yard requirements of the district.
 - v. Detached accessory structures which have impervious roof coverings shall be permitted only in the side and rear yard and must be at least five (5) feet from the side and rear property lines.
 - vi. Detached accessory structures which have a fabric or screen roof shall be permitted only in the rear yard and must be at least five (5) feet from rear property lines. A detached accessory structure which has a fabric or screen roof and is rendered nonconforming by the adoption of this ordinance shall be brought into conformance with County regulations by January 1, 2000 or be removed.
 - vii. Except as provided in subparagraph viii. hereof, no more than one

detached building shall be allowed on a parcel. Any detached accessory building exceeding 200 square feet in size must meet the following:

- a. The length of the detached accessory building shall be no more than twice the measurement of the width.
 - b. The detached accessory building shall either be on a permanent foundation consisting of either a stem wall with continuous footing, a monolithic slab, or permanent foundation designed to meet the criteria of the flood regulations in flood prone areas; or, the detached accessory building shall be skirted with a visual screening of new material, or material in acceptable condition, consisting of aluminum, pressure-treated wood, masonry or other acceptable material placed around the entire perimeter of the detached accessory building extending from the base to the ground.
 - c. All other applicable standards relating to accessory building shall be met.
 - d. The detached accessory building shall be no more than 400 square feet in size.
- viii. One detached garage, in addition to the detached building provided for in item vii above, is allowed meeting the following criteria:
- a. The detached garage is site built; and,
 - b. Has a minimum dimension of 10' x 20'; and,
 - c. The length of the detached garage shall be no more than twice the measurement of the width; and,
 - d. Has a Minimum roof pitch of 3 on 12; and,
 - e. Has roof materials of either shingles or tile; and,
 - f. Has either lap siding, brick veneer, concrete block or stucco exterior walls; and,
 - g. The detached garage shall be on a permanent foundation consisting of either a stem wall with continuous footing, a monolithic slab, or permanent foundation designed to meet the criteria of the flood regulations in flood prone areas

SECTION 5. BY AMENDING ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 2. (C) R-1C RESIDENTIAL DISTRICT, THROUGH MODIFICATION OF (4)(h) MAXIMUM BUILDING AREA, AS FOLLOWS:

C. *R-1C Residential District*

(4) *Dimension and area regulations.* The following dimension and area regulations shall apply in the district:

- (h) Maximum building area: The maximum building area shall be thirty-five (35) percent of the lot area.

SECTION 6. BY AMENDING ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 2. (C) R-1C RESIDENTIAL DISTRICT THROUGH MODIFICATION OF (4)(k) STANDARDS RELATING TO ACCESSORY STRUCTURES AS FOLLOWS:

C. *R-1C Residential District*

(4) *Dimension and area regulations.* The following dimension and area regulations shall apply in the district:

(k) Accessory Structures:

- i. Accessory buildings are permitted only in side and rear yards. Such accessory buildings shall be at least five (5) feet from side lot lines.
- ii. Non-commercial piers and boat houses are permitted in the side and rear yard, provided the structure is at least five (5) feet from side property lines. No setback is required from lot lines adjoining waterways.
- iii. Swimming pools and screened swimming pool enclosures are permitted only in the side or rear yard and must be at least five (5) feet from side and rear property lines.
- iv. Attached carports shall meet the principal building yard requirements of the district.
- v. Detached accessory structures which have impervious roof coverings shall be permitted only in the side and rear yard and must be at least five (5) feet from the side and rear property lines.
- vi. Detached accessory structures which have a fabric or screen roof shall be permitted only in the rear and side yard and must be at least five (5) feet from rear property lines. A detached accessory structure which has a fabric or screen roof and is rendered nonconforming by the adoption of this ordinance shall be brought into conformance with County regulations by January 1, 2000 or be removed.
- vii. Except as provided in subparagraph viii. hereof, no more than one detached building shall be allowed on a parcel. Any detached accessory building exceeding 200 square feet in size must meet the following:

- a. The length of the detached accessory building shall be no more than twice the measurement of the width.
 - b. The detached accessory building shall either be on a permanent foundation consisting of either a stem wall with continuous footing, a monolithic slab, or permanent foundation designed to meet the criteria of the flood regulations in flood prone areas; or, the detached accessory building shall be skirted with a visual screening of new material, or material in acceptable condition, consisting of aluminum, pressure-treated wood, masonry or other acceptable material placed around the entire perimeter of the detached accessory building extending from the base to the ground.
 - c. All other applicable standards relating to accessory building shall be met.
 - d. The detached accessory building shall be no more than 400 square feet in size.
- viii. One detached garage, in addition to the detached building provided for in item vii above, is allowed meeting the following criteria:
- a. The detached garage is site built; and,
 - b. Has a minimum dimension of 10' x 20'; and,
 - c. The length of the detached garage shall be no more than twice the measurement of the width; and,
 - d. Has a Minimum roof pitch of 3 on 12; and,
 - e. Has roof materials of either shingles or tile; and,
 - f. Has either lap siding, brick veneer, concrete block or stucco exterior walls; and,
 - g. The detached garage shall be on a permanent foundation consisting of either a stem wall with continuous footing, a monolithic slab, or permanent foundation designed to meet the criteria of the flood regulations in flood prone areas

SECTION 7. BY AMENDING ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 2. (D) R-2.5 RESIDENTIAL DISTRICT, THROUGH MODIFICATION D.(4)(h) MAXIMUM BUILDING AREA AS FOLLOWS:

D. *R-2.5 Residential District*

- (4) *Dimension and area regulations.* The following dimension and area regulations

shall apply in the district:

- (h) Maximum building area: The maximum building area shall be thirty-five (35) percent of the lot area.

SECTION 8. BY AMENDING ARTICLE IV, ZONING DISTRICT REGULATIONS SECTION 2. (D) R-2.5 RESIDENTIAL DISTRICT THROUGH MODIFICATION OF (4) DIMENSION AND AREA REGULATIONS (k) MODIFICATION OF STANDARDS RELATING TO ACCESSORY STRUCTURES AS FOLLOWS:

D. *R-2.5 Residential District*

- (4) *Dimension and area regulations.* The following dimension and area regulations shall apply in the district:

- (k) Accessory Structures and Buildings
 - i. Accessory buildings are permitted only in side and rear yards. Such accessory buildings shall be at least five (5) feet from side and rear lot lines.
 - ii. Swimming pools and screened swimming pool enclosures are permitted only in the side or rear yard and must be at least five (5) feet from side and rear property lines.
 - iii. On lots that abut golf courses, detached accessory buildings are not permitted in the rear yard. Screened swimming pool enclosures shall meet the rear yard requirement for principal buildings.
 - iv. Attached carports shall meet the principal building yard requirements of the district.
 - v. Detached accessory structures which have impervious roof coverings shall be permitted only in the side and rear yard and must be at least five (5) feet from the side and rear property lines.
 - vi. Detached accessory structures which have a fabric or screen roof shall be permitted in the rear yard and must be at least five (5) feet from rear property lines. A detached accessory structure which has a fabric or screen roof and is rendered nonconforming by the adoption of this ordinance shall be brought into conformance with County regulations by January 1, 2000 or be removed.
 - vii. On lots that abut rivers and lakes, screened swimming pool enclosures and accessory buildings, except boat houses, shall meet the rear yard requirement for principal buildings.
 - viii. Non-commercial piers and boat houses are permitted in the side and rear yard, provided the structure is at least five (5) feet from side property lines. No setback is required from lot lines

adjoining waterways except where required by other regulatory standards.

- ix. On lots that abut golf courses, rivers, or lakes, the maximum height for fences located in the rear yard, other than chain link fences, shall be four (4) feet. For chain link fences located in the rear yard, the maximum height shall be six (6) feet. All fences located in the rear yard shall be constructed so as not to impair sight lines.
- x. Except as provided in subparagraph xi. hereof, no more than one detached building shall be allowed on a parcel. Any detached accessory building exceeding 200 square feet in size must meet the following:
 - a. The length of the detached accessory building shall be no more than twice the measurement of the width.
 - b. The detached accessory building shall either be placed on a permanent foundation consisting of either a stem wall with continuous footing, a monolithic slab, or permanent foundation designed to meet the criteria of the flood regulations in flood prone areas; or, the detached accessory building shall be skirted with a visual screening of new material, or material in acceptable condition, consisting of aluminum, pressure-treated wood, masonry or other acceptable material placed around the entire perimeter of the detached accessory building extending from the base to the ground.
 - c. All other applicable standards relating to accessory building shall be met.
 - d. The detached accessory building shall be no more than 400 square feet in size.
- xi. One detached garage, in addition to the detached building provided for in item x above, is allowed meeting the following criteria:
 - a. The detached garage is site built; and,
 - b. Has a minimum dimension of 10' x 20'; and,
 - c. The length of the detached garage shall be no more than twice the measurement of the width; and,
 - d. Has a Minimum roof pitch of 3 on 12; and,
 - e. Has roof materials of either shingles or tile; and,
 - f. Has either lap siding, brick veneer, concrete block or stucco exterior walls; and,
 - g. The detached garage shall be on a permanent foundation

consisting of either a stem wall with continuous footing, a monolithic slab, or permanent foundation designed to meet the criteria of the flood regulations in flood prone areas

SECTION 9. BY AMENDING ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 3. COMMERCIAL DISTRICTS, (B) PERMITTED ACCESSORY USES AND STRUCTURES IN ALL COMMERCIAL DISTRICTS, THROUGH MODIFICATION AND ADDITION OF (C) CONDITIONAL USES ALLOWED IN ALL COMMERCIAL DISTRICTS, AND RENUMBERING SUBSEQUENT ITEMS, AS FOLLOWS:

Section 3. Commercial Districts.

The following regulations shall apply to Commercial Districts as indicated:

B. *Permitted accessory uses and structures in all commercial districts:*

- (1) Permitted accessory uses and structures in all commercial districts are: Signs identifying the name and type of activity conducted on the same premises; and, garages or other buildings not used as dwellings and accessories to the principal uses.
- (2) In the C-4 and A/C Commercial districts, screened outside storage shall be permitted behind the building line as an accessory use to a permitted use. Screening shall be required 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.
- (3) In the C-2 district, welding shops customarily incidental to the principal use of the property shall be permitted as an accessory use provided the welding shop does not exceed 25% of the principal use area.
- (4) Temporary uses or structures are allowable in the parking area of all commercial districts provided they are the same use or accessory to a permitted established use on the property. Such temporary uses or structures must be authorized by the property owner and authorized by the owner of an established use on the site. All Temporary uses and structures must meet Article II, General Regulations, Section 2. (G) General Regulations for Temporary Structures and Uses. Said temporary uses or structures shall be allowed on a commercial parcel no more than four times during a calendar year and the aggregate duration of all such events totals no more than sixty days per calendar year with no one event exceeding thirty days in duration.

SECTION 10. BY AMENDING ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 3. COMMERCIAL DISTRICTS,

**(4) PERMITTED USES IN THE C-4 HEAVY HIGHWAY
COMMERCIAL DISTRICT, THROUGH ADDITION, AS
FOLLOWS:**

Section 3. Commercial Districts.

The following regulations shall apply to Commercial Districts as indicated:

- (4) Permitted uses in a C-4 Heavy Highway Commercial District shall be as follows:
- (a) Automobile and truck body repair establishments
 - (b) Welding shops
 - (c) Cabinet shops
 - (d) Reserved
 - (e) Fire stations and state, county, and municipal police stations
 - (f) Light wholesale and storage establishments
 - (g) Truck service centers
 - (h) Laundry and dry cleaning plants
 - (i) One (1) single-family dwelling unit (minimum of six hundred (600) square feet) per commercial parcel in conjunction with the operation of a business on the premises; such single-family dwelling unit shall be an integral part of the principal business structure and located behind or above that portion of the business structure devoted to service to the public
 - (j) Outdoor advertising service establishments
 - (k) Automobile service establishments
 - (l) Light manufacturing with or without outside storage
 - (m) Construction service establishments
 - (n) Domestic rental services
 - (o) Mini-warehouses
 - (p) Publishing and printing service establishments
 - (q) Aircraft parts establishments
 - (r) Monopole Towers 150 feet or less in height
 - (s) Recycling Collection Facility

**SECTION 11. BY AMENDING ARTICLE IV, ZONING DISTRICT
REGULATIONS, SECTION 4. INDUSTRIAL DISTRICTS,
(1) PERMITTED USES IN THE I-1 LIGHT INDUSTRIAL
DISTRICT, THROUGH ADDITION, AS FOLLOWS:**

Section 4. Industrial Districts.

The following regulations shall apply in Industrial Districts as indicated:

- (1) *Permitted uses:* Permitted uses in the I-1 Light Industrial district shall be as follows:
- (a) Light manufacturing
 - (b) Light wholesale and storage establishments
 - (c) Light outdoor advertising service establishments
 - (d) Light research, development and testing laboratories
 - (e) Light motor freight transportation establishments
 - (f) Aircraft parts establishments
 - (g) Automobile and truck repair establishments
 - (h) Welding shops
 - (i) Cabinet shops
 - (j) Automobile service establishments
 - (k) Domestic rental services
 - (l) Miniwarehouses
 - (m) Publishing and printing service establishments
 - (n) Monopole Towers 150 feet or less in height
 - (o) Recycling Collection Facility

**SECTION 12. BY AMENDING APPENDIX A, ARTICLE V,
ADMINISTRATION, SECTION 4. CONDITIONAL USE
PERMIT, THROUGH MODIFICATION AS FOLLOWS:**

Section 4. Conditional Use Permit.

The conditional use permit is intended to be utilized as a special permit which temporarily allows uses not otherwise permitted by this ordinance.

A. *Permitted conditional uses in any zoning district:*

- (1) Temporary real estate sales office exclusively for real estate sales of property in a developing subdivision.
- (2) Carnivals, circuses, tent revivals and activities of a similar nature.
- (3) Second principal building on one lot of record in cases of extreme personal hardship, etc.
- (4) Temporary structures.
- (5) Temporary uses
- (6) Seasonal sales of plants or plant materials

B. *Other Conditional Uses Permitted in Specific Zoning Districts:*

- (1) Conditional uses other than those listed above may be permitted in specific zoning districts as provided for in this Ordinance.

C. *Application Procedure:*

- (1) Application for a conditional use permit. The application for a conditional use permit shall be in the form prescribed by the rules of the Governing Body and requires a site plan depicting the proposed conditional use in relation to the parcel of property on which it is to be located and adjoining properties. The application shall be accompanied by an affidavit of written permission by the property owner of record and any applicable application fees.
- (2) If a public hearing before the Planning and Zoning Commission or Board of County Commissioners is required or requested by appeal hereunder, upon fixing a date for the public hearing the petitioner shall post the property with a public notice sign as supplied by the County Administrator or designee. The notice shall be posted in a conspicuous location at the front lot line at least ten (10) days prior to the scheduled hearing date. Additionally, the County Administrator or designee shall mail a notice giving the time, place, and purpose of the meeting to each property owner within two hundred fifty (250) feet of the parcel covered by the application. The notice shall be mailed at least ten (10) days prior to the scheduled meeting date.
- (3) The petitioner shall be responsible for all costs incurred in the notice procedure.

D. *Issuance of Permit:*

- (1) After the application and accompanying information has been received and processed by the Development Department, those applications for conditional use permits of four weeks or less duration shall be approved or denied by the Administrative Official within fourteen (14) days, unless referred to the Planning and Zoning Commission for review and action. The Administrative Official's decision may be appealed to the Board of County Commissioners.
- (2) Those applications for conditional use permits of more than four (4) weeks and five (5) years or less duration must be reviewed and acted upon by the Planning and Zoning Commission.
- (3) No conditional use permit shall be issued for a period to exceed two (2) years unless otherwise specified in this Ordinance. However, conditional use permits may be renewed or extended upon reapplication.

E. *Review by governing body.* The governing body, by a majority vote, may decide to review any conditional use permit decision rendered by the planning and zoning commission.

The decision of the governing body to review such decision must be made within thirty (30) days of the rendering of the decision of the planning and zoning commission. If at least a majority (three (3) members) of the governing body do not vote to review the commission action within thirty (30) days, the commission decision shall be deemed final and subject only to review by circuit court.

The initial review of the decision by the governing body shall be at a public hearing

held within sixty (60) days of the commission decision. "Public notice," for this subsection, shall mean publication of notice of the time, place and purpose of such hearing one 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 on or around such lots, parcels or tracts of lands as may be involved in the hearing. Affidavit proof of the required publication and posting of the notice shall be presented at the hearing.

At the public hearing, the governing body may affirm, modify or reverse the decision of the planning and zoning commission.

**SECTION 13. BY AMENDING ARTICLE VI, AMENDMENTS, SECTION 1.
SUBMISSION OF ZONING AMENDMENT PETITION, BY
MODIFICATION, AS FOLLOWS:**

ARTICLE VI. AMENDMENTS

To make any amendments to this ordinance, either to the text or to the zoning district map, the procedures and notice requirements set forth in Section 12 of the Laws of Florida, Chapter 69-139 shall be followed. If any given use is not permitted in a given zoning district by the provisions of this ordinance, it may not be permitted by any agency unless this ordinance is amended according to the required amendment procedure. In addition to the above, the following amendment procedures shall be followed:

Section 1. Submission of Zoning Amendment Petition.

The procedure and data required for the submission of a zoning amendment petition by 51% or more of the owners of land in the area involved in a proposed zoning change is as follows:

- A. Every petition addressed to the Governing Body, requesting an amendment or change in the regulations, restrictions, and boundaries herein established shall contain the following information and shall be presented to the County Administrator or designee in the following form:
- (1) The petition shall be typewritten and shall be sworn to by the petitioner or petitioners, and shall include the post office address of the petitioner or petitioners;
 - (2) It shall give an accurate legal description of the land involved, including street address, if any, and the names of all owners, mortgage holders, lienors and lessees;
 - (3) It shall state the reason why such regulations, restrictions or boundaries should be amended, supplemented, changed or repealed;
 - (4) It shall give the existing zoning district classification on the land and the zoning district classification to which it is desired a change be made;

- (5) It shall have attached a drawing or blueprint of the surrounding portion of the subdivision in which the land is located, or if unplatted land, the streets, highways, roads, alleys and public places surrounding the land;
- (6) It shall include a statement which indicates whether or not the applicant requests a formal hearing process using procedures for rules of evidence, expert witnesses and/or cross examination of witnesses. If the petitioner desires additional time to make their presentation beyond established times frames as described in the application instruction packet, the petitioner must indicate on the application form.
- (7) The application for a zoning amendment petition shall be in the form prescribed by the rules of the governing body.

B. The Administrative Official, upon receipt of a petition for a zoning amendment, shall refer a copy thereof to the Commission, the Governing Body and the County Attorney.

SECTION 14. BY AMENDING ARTICLE VIII, SECTION 1. PLANNED DEVELOPMENT PROJECTS, D. BUILDING COVERAGE THROUGH MODIFICATION AS FOLLOWS:

Section 1. Planned Development Projects

D. Building Coverage Residential PDPs and all PDPs with a residential component shall not exceed more than 35 percent building area coverage for the residential acreage.

SECTION 15. BY AMENDING ARTICLE VIII, SECTION 1. PLANNED DEVELOPMENT PROJECTS, BY ADDING LETTER L. STANDARDS REGARDING ACCESSORY STRUCTURES AS FOLLOWS:

Section 1. Planned Development Projects

L. Accessory
Structures in Residential PDP's

- i. Accessory buildings are permitted only in side and rear yards. Such accessory buildings shall be at least five (5) feet from side lot lines.
- ii. Non-commercial piers and boat houses are permitted in the side and rear yard, provided the structure is at least five (5) feet from side property lines. No setback is required from lot lines adjoining waterways.

- iii. Swimming pools and screened swimming pool enclosures are permitted only in the side or rear yard and must be at least five (5) feet from side and rear property lines.
- iv. Attached carports shall meet the principal building yard requirements of the district.
- v. Detached accessory structures which have impervious roof coverings shall be permitted only in the side and rear yard and must be at least five (5) feet from the side and rear property lines.
- vi. Detached accessory structures which have a fabric or screen roof shall be permitted only in the rear and must be at least five (5) feet from the rear property lines. A detached accessory structure which has a fabric or screen roof and is rendered nonconforming, by the adoption of this ordinance shall be brought into conformance with County regulations by January 1, 2000 or be removed.
- vii. Except as provided in subparagraph viii. hereof, no more than one detached building shall be allowed on a parcel. Any detached accessory building exceeding 200 square feet in size must meet the following:
 - a. The length of the detached accessory building shall be no more than twice the measurement of the width.
 - b. The detached accessory building shall either be on a permanent foundation consisting of either a stem wall with continuous footing, a monolithic slab, or permanent foundation designed to meet the criteria of the flood regulations in flood prone areas; or, the detached accessory building shall be skirted with a visual screening of new material, or material in acceptable condition, consisting of aluminum, pressure-treated wood, masonry or other acceptable material placed around the entire perimeter of the detached accessory building extending from the base to the ground.
 - c. All other applicable standards relating to accessory buildings shall be met.
 - d. The detached accessory building shall be no more than 400 square feet in size.
- viii. One detached garage, in addition to the detached building provided for in item vii above, is allowed meeting the following criteria:
 - a. The detached garage is site built; and,
 - b. Has a minimum dimension of 10' x 20'; and,

- c. The length of the detached garage shall be no more than twice the measurement of the width; and,
- d. Has a Minimum roof pitch of 3 on 12; and,
- e. Has roof materials of either shingles or tile; and,
- f. Has either lap siding, brick veneer, concrete block or stucco exterior walls; and,
- g. The detached garage shall be on a permanent foundation consisting of either a stem wall with continuous footing, a monolithic slab, or permanent foundation designed to meet the criteria of the flood regulations in flood prone areas

SECTION 16. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remaining portions of said ordinance shall not be affected thereby.

SECTION 17. INCLUSION INTO THE CODE

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of Hernando County, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 18. EFFECTIVE DATE

This Ordinance shall become effective upon receipt of the official acknowledgment from the office of the Secretary of State of the State of Florida that this Ordinance has been filed with said office.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR
SESSION THIS 8th DAY OF MAY, 2001.**

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

BY


**CHRISTOPHER A. KINGSLEY,
CHAIRMAN**

ATTEST


KAREN NICOLAI, CLERK

