

ORDINANCE # 2000-04

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, APPENDIX A, ZONING ORDINANCE, ARTICLE II, GENERAL REGULATIONS, SECTION 2. GENERAL REGULATIONS FOR STRUCTURES AND USES. (E) REGULATION OF SIGNS THROUGH MODIFICATION; BY AMENDING ARTICLE III. SPECIFIC REGULATIONS, SECTION 3. SPECIFIC USE REGULATIONS, H. MODEL HOMES, THROUGH MODIFICATION; BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE IV. ZONING DISTRICT REGULATIONS, SECTION 2. RESIDENTIAL DISTRICTS. D. R-2.5 RESIDENTIAL DISTRICT 4. DIMENSION AND AREA REGULATIONS (j) ACCESSORY STRUCTURES AND BUILDINGS; BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE IV. ZONING DISTRICT REGULATIONS, SECTION 3. COMMERCIAL DISTRICTS. A. PERMITTED USES (1) PERMITTED USES IN THE C-1 DISTRICT, THROUGH MODIFICATION; BY AMENDING ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 3. COMMERCIAL DISTRICTS. A. PERMITTED USES (2) PERMITTED USES IN THE C-2 DISTRICT, THROUGH MODIFICATION; BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE IV. ZONING DISTRICT REGULATIONS SECTION 3. COMMERCIAL DISTRICTS. A. PERMITTED USES (3) PERMITTED USES IN THE C-3 DISTRICT, THROUGH MODIFICATION; BY AMENDING ARTICLE IV, SECTION 5. PLANNED-DEVELOPMENT DISTRICTS THROUGH MODIFICATION; BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE VIII. PLANNED-DEVELOPMENT PROJECT, SECTION 5. PERMITTED USES BY MODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. BY AMENDING APPENDIX A, ARTICLE II, GENERAL REGULATIONS, SECTION 2. GENERAL REGULATIONS FOR STRUCTURES AND USES. (E) REGULATION OF SIGNS, (4) FLAGS, BANNERS, TEMPORARY SIGNS AND DISPLAYS, BY ADDING A NEW LETTER (e) AS FOLLOWS:

E. Regulation of Signs - Purpose:

4. Flags, Banners, Temporary Signs and Displays

- a. No more than one (1) banner with a maximum size of 3' x 8' shall be allowed on property zoned for commercial or industrial use, except pursuant to paragraph c below. Such banner shall be securely mounted

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and kept in good maintenance. No zoning permit or certificate of use will be required for this permanent banner.

- b. No more than three (3) flags shall be allowed on property zoned for commercial or industrial use, except pursuant to paragraph c below. No zoning permit or certificate of use will be required for these permanent flags.
- c. Except as provided in paragraphs a and b above or as otherwise expressly permitted by this ordinance, flags, pennants and banners, portable signs, streamers, balloons, sandwich board signs and other similar devices are hereby prohibited, except that such devices may be utilized on property zoned for commercial or industrial use not more than six times during a calendar year for a total period not to exceed 30 days. The applicant for such temporary use is required to obtain a temporary sign permit from the county with the dates of display stated on the permit. No other zoning permit or certificate of use will be required for these types of devices. The county will commence the issuance of permits for such devices on July 1, 1999. By this requirement, it is the specific intent of the Board of County Commissioners that no such devices shall be allowed except pursuant to the provisions of this paragraph and that any provision of the Hernando County Code of Ordinances relating to non-conforming uses shall not apply to such devices.
- d. The provisions of this subsection 4 shall not apply to portable signs and sandwich board signs which are:
 - 1. displayed for informational purposes to persons or customers who are already physically on the property or other premises owned or leased by a business or nonprofit entity, and
 - 2. not intended for display or legibly visible to members of the general public not already on the specific business or entity property or leasehold.

For purposes of this limited exception, "leasehold" shall not include any common area shared with and by other lessees.

SECTION 2. BY AMENDING APPENDIX A, ARTICLE II, GENERAL REGULATIONS, SECTION 2. GENERAL REGULATIONS FOR STRUCTURES AND USES. (E) REGULATION OF SIGNS, (8)

**ONSITE SIGNS (e) NUMBER OF SIGNS, THROUGH ADDITION,
AS FOLLOWS:**

8. On-site signs:

e. Number of signs:

1. Individual firms or activities located on a single lot may display no more than one (1) on-site sign.
2. Individual firms or activities located on a corner lot may display one (1) on-site sign of maximum sign area as determined by the road frontage the lot has or they may have one (1) sign along each road provided the combined area of these signs does not exceed the maximum as determined by the road frontage.
3. Shopping centers, malls, strip plazas, and other buildings housing more than one business or activity, may display no more than one (1) on-site sign for each two hundred (200) feet of frontage provided they are at least two hundred (200) feet apart along public streets and provided each sign does not exceed the maximum allowed according to Section E. Regulation of Signs 8(a).
4. There shall be no limit to the number of attached signs (see Article II, Section 2. E. 4) which may be attached to walls after issuance of a zoning and other appropriate permits. All parts of attached signs shall be at least five (5) feet from all lot lines. The total display area for all attached signs shall not exceed 20% of the building facade on which the sign is located. This section is not intended to limit the number of or placement of placard signs in windows.
5. There shall be no limit to the number of on-site signs which are:
 - (i) displayed for informational purposes to persons or customers who are already on the property owned or leased by a business or nonprofit entity, and
 - (ii) which are not intended for display or visibly legible to members of the general public not already on the specific business or entity property or leasehold.

For purposes of this limited exception, "leasehold" shall not include any common area shared with and by other lessees.

SECTION 3. BY AMENDING APPENDIX A, ARTICLE II, GENERAL REGULATIONS, SECTION 2. GENERAL REGULATIONS FOR STRUCTURES AND USES. (E) REGULATION OF SIGNS, (13) ENTRANCE SIGNS, THROUGH MODIFICATION, AS FOLLOWS:

E. Regulation of Signs - Purpose:

13. Entrance signs: Signs located at entrances to subdivision and developments and serving solely to identify the development and the properties and amenities therein, are permitted when such sign locations and sizes have been approved as shown on the final master plan for the project. If such signs are not shown on the final master plan, they may still be permitted if they meet the requirements of this ordinance for a clear-site triangle and setbacks. Such signs, however, shall not be located upon any road right-of-way, public or private. Maintenance of existing entrance signs on county right-of-way is the responsibility of homeowner's associations or the developer and not the county.

The sign identifying a model center may be erected within 100' of each side of the entrance roadway to a platted subdivision, and one sign may be erected within 500' of each side of the entrance roadway to a platted subdivision. Said signs may be erected for a period of no more than four years after the last phase, unit or area of the subdivision has received final plat approval. Such model center identification signs shall be no greater than 32 square feet each, must be erected on property owned by the developer, and shall be placed outside of the right-of-way. A maximum of six (6) total flags may be displayed at the entrance to said subdivision.

SECTION 4. BY AMENDING APPENDIX A, ARTICLE II, GENERAL REGULATIONS, SECTION 2. GENERAL REGULATIONS FOR STRUCTURES AND USES. (E) REGULATION OF SIGNS, (16) SIGNS - MODEL HOMES LOCATED IN RESIDENTIAL AREAS, THROUGH MODIFICATION, AS FOLLOWS:

16. Signs - model homes located in residential area:
 - a. Any model home or model home center built in a single family residential area is permitted no more than one sign per lot; identifying the builder and measuring no more than thirty-two (32) square feet in size.
 - b. No portable signs or sandwich board signs shall be permitted.

- c. During the first thirty-day grand opening period, flags or banners shall not be regulated as to type or number. After the first thirty-day grand opening period, the model center may display a maximum of three (3) flags.
- d. Each model within the model center shall be allowed to have a sign measuring no more than three square feet identifying each model within the model center.

SECTION 5. BY AMENDING APPENDIX A, ARTICLE II, GENERAL REGULATIONS, SECTION 2. GENERAL REGULATIONS FOR STRUCTURES AND USES. (E) REGULATION OF SIGNS, (19) PERMITS, THROUGH MODIFICATION, AS FOLLOWS:

- 19. Permits: The zoning permit required by the Hernando County Land Development Regulations shall be obtained for all signs regardless of the value of such sign; unless specially exempted therefrom by the terms of this ordinance. The zoning permit shall be obtained without regard to whether or not a building permit is either required or obtained. In order for any permanent sign to be a legal sign, it must have a permit from the County unless otherwise specified in this ordinance. No zoning permit shall be required for signs which are displayed for informational purposes to persons or customers who are already on the property or other premises owned or leased by a business or nonprofit entity and which are not intended for display or legibly visible to members of the general public not already on the specific business or entity property or leasehold. Nothing herein shall exempt any sign from any applicable requirement for a building permit to ensure construction according to applicable building codes. For purposes of this limited exception, "leasehold" shall not include any common area shared with and by other lessees.

SECTION 6. BY AMENDING APPENDIX A, ARTICLE II, GENERAL REGULATIONS, SECTION 2. GENERAL REGULATIONS FOR STRUCTURES AND USES. (E) REGULATION OF SIGNS, (22) PERMANENT SIGNS, THROUGH MODIFICATION, AS FOLLOWS:

- 22. Permanent signs that were lawfully existing under the terms of the ordinance in effect at the time of permitting may remain until they need replacement. For purposes of this section, it shall be presumed that a sign needs replacement if repair or other work to bring the sign into compliance with Section 2(E)(6) of these sign regulations exceeds 50% of the cost of a comparable sign at that point in time. Replacement would have to occur in accordance with the sign regulations in effect at the time the renewal is permitted. For purposes of this paragraph, "permanent signs" shall not include any specifically listed device or similar device enumerated in paragraph 23 hereof.

SECTION 7. BY AMENDING APPENDIX A, ARTICLE II, GENERAL REGULATIONS, SECTION 2. GENERAL REGULATIONS FOR STRUCTURES AND USES. (E) REGULATION OF SIGNS, (23) TEMPORARY SIGNS THROUGH MODIFICATION, AS FOLLOWS:

23. Temporary signs, and any flags, pennants and banners, portable signs, streamers, balloons, sandwich board signs and other similar devices that were lawfully existing under the terms of the ordinance in effect at the time of erection may remain for a period not to exceed six months and no provision of the Hernando County Code of Ordinances relating to non-conforming uses shall have any application to such signs or devices.

SECTION 8. BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE III. SPECIFIC REGULATIONS, SECTION 3. SPECIFIC USE REGULATIONS, H. MODEL HOMES, THROUGH MODIFICATION, AS FOLLOWS:

ARTICLE III. SPECIFIC REGULATIONS

Section 3. Specific use regulations.

H. Model homes:

- (1) Model homes are a permitted use in all residential or commercial areas to provide examples of builders' floor plans and options (e.g. porches, Florida rooms, garages, carports, etc.) for promoting the sale of homes to be built elsewhere in the residential development in which the model is located.
- (2) Model homes in a residential area are intended for later use solely as a dwelling after the approved sales time period lapses. (Model homes erected in commercial areas are intended for later use solely as a commercial unit unless the model home is to be relocated by the owner after its useful life as a model home.)
- (3) Model homes may be approved for a period of eleven (11) years to a licensed building contractor in Hernando County in single-family residential zoning districts. Model homes may be approved to a licensed building contractor in Hernando County for eleven (11) years in a multifamily zoning district which allows the placement of at least three (3) dwelling units, provided the parking for the model home or center is located entirely on-site. There is no limit as to the time frame a model home may be permitted in a commercially zoned area.

- (4) Model home or model home center authorization is by site plan approval by the Development Review Committee. (The permit time period will begin at the issue date of the certificate of occupancy) The time period may be extended just prior to termination for an additional two-year period by the granting of a conditional use permit by the Planning and Zoning Commission if hardship exists. A hardship shall not be found based solely upon economic conditions.
- (5) Model homes shall provide either off-site or on-site parking in conformity with the following requirements:
- (a) Parking shall be provided for model homes or centers according to the following schedule:
 - 1. Four (4) spaces shall be provided for one model home.
 - 2. Seven (7) spaces shall be provided for two (2) model homes.
 - 3. For each additional model home two (2) additional spaces shall be provided.
 - (b) Parking spaces shall contain a minimum of two hundred (200) square feet per space with the minimum dimensions measuring ten feet by twenty feet (10' X 20').
 - (c) Model homes or model home centers may utilize mulch for the parking areas to minimize the disruption of the residential neighborhood.
 - (d) Parking may be provided on a separate lot adjacent to the center, provided the parking area is buffered from all surrounding lots to provide visual relief and separation between the land uses. The lot utilized for parking must be included in the DRC approval authorizing the model home or center.
 - (e) If parking for the model home or center is to be located on a separate lot, the lot or center should be designed so that the access to the parking lot is off of a minor street if possible. If the access must be off of the major street, the entrance to the parking lot must comply with the parking access requirements contained in the Land Development Regulations.
 - (f) Model homes or centers may utilize up to ten (10) feet of county right-of-way contiguous to the lot for a portion of the required parking area for the model home or center, provided the parking area is located on a minor street with a minimum of forty (40) feet between any space and the intersection of the right-of-way lines of the nearest intersection, and a minimum set back of fifteen (15) feet from adjacent property boundaries.
 - (g) If a model home or model home center has access only to a collector or arterial street, all of the parking and circulation area must be contained on the lot or lots. Access to parking spaces must be designed to prevent traffic from backing into the travel way of the street.

- (h) If asphalt or other durable material is utilized for the parking area, the applicant must provide engineered plans indicating how the stormwater drainage from the impervious areas will be handled on-site and how the proposed improvements will affect the overall drainage.
 - (i) Model homes or model home centers constructed on commercial lots must meet the minimum commercial parking standards.
- (6) Upon the termination of any model home or model home center, the operator shall ensure that the driveways of the model(s) have been extended to the edge of pavement of the frontage street and that the swales on the property have been restored to ensure the proper drainage flow.
 - (7) Model homes shall be used solely for the purposes set forth in subparagraph (1) herein unless the other use is consistent with the land use regulations. No commercial use, including utilization of the model as a real estate sales office, shall be permitted unless otherwise permitted by the land use regulations. Such unauthorized utilization may result in the revocation of County approval for the model home or model home center.
 - (8) An appeal of the denial of the model home or model home center by the Development Review Committee (DRC) shall be to the Board of County Commissioners and shall be made in writing within thirty (30) days of the DRC's decision.

SECTION 9. BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE IV. ZONING DISTRICT REGULATIONS, SECTION 2. RESIDENTIAL DISTRICTS. D. R-2.5 RESIDENTIAL DISTRICT 4. DIMENSION AND AREA REGULATIONS (j) ACCESSORY STRUCTURES AND BUILDINGS, AS FOLLOWS:

- (j) 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 except where those lot lines abut rivers, golf courses or lakes.
 - ii. Swimming pools and screened swimming pool enclosures on lots that do not abut golf courses, rivers and lakes 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 with 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 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. 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 site lines.

SECTION 10. BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE IV. ZONING DISTRICT REGULATIONS, SECTION 3. COMMERCIAL DISTRICTS. A. PERMITTED USES (1) PERMITTED USES IN THE C-1 DISTRICT, THROUGH MODIFICATION, AS FOLLOWS:

Section 3. Commercial Districts.

The following regulations shall apply to Commercial Districts as indicated:

A. *Permitted uses:*

- (1) Permitted uses in the C-1 Commercial District shall be as follows:
 - (a) Comparison goods stores
 - (b) Convenience goods stores
 - (c) Personal service establishments
 - (d) Domestic and business service establishments
 - (e) Domestic and business repair establishments
 - (f) Business, professional and nonprofit organization offices
 - (g) Public offices
 - (h) Business training schools
 - (i) Restaurants with or without alcohol dispensation
 - (j) Indoor commercial amusement establishments
 - (k) Indoor motion picture theaters
 - (l) Motels
 - (m) Hotels
 - (n) Automobile parking establishments
 - (o) Gasoline service stations
 - (p) Light farm equipment and supply establishments
 - (q) Light building material establishments
 - (r) Light landscaping service establishments
 - (s) Mortuaries, funeral homes
 - (t) Antique stores
 - (u) Alcoholic beverage dispensation package and restaurants only
 - (v) Retail food stores
 - (w) Veterinary clinics with air conditioned, sound-attenuated runs
 - (x) Light marine establishments
 - (y) Fire stations and state, county and municipal police stations
 - (z) Light domestic rental establishments
 - (aa) Auto parts establishments
 - (bb) Dry cleaning establishments
 - (cc) One (1) single-family dwelling unit (minimum of six hundred (600) square feet) per commercial parcel in conjunction with the operation of 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
 - (dd) Day care centers and preschools
 - (ee) Automobile service establishments
 - (ff) Religious establishments: churches, synagogues and attendant educational buildings
 - (gg) Fraternal organizations

- (hh) Secondhand stores
- (ii) Retail plant nurseries with outside storage limited to plants and packaged products
- (jj) Auto glass establishments
- (kk) Aircraft parts establishments
- (ll) Nursing care homes
- (mm) Automotive rental establishments

SECTION 11. BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE IV. ZONING DISTRICT REGULATIONS, SECTION 3. COMMERCIAL DISTRICTS. A. PERMITTED USES (3) PERMITTED USES IN THE C-3 DISTRICT, THROUGH MODIFICATION, AS FOLLOWS:

- (3) Permitted uses in a C-3 Neighborhood Commercial District shall be as follows:
 - (a) Convenience goods stores; provided that there are not more than two (2) checkout lanes and two vehicle fueling stations
 - (b) Personal service establishments
 - (c) Business, professional and non-profit organization offices
 - (d) Public offices and utility facilities
 - (e) Alcoholic beverage dispensation (package and restaurants only)
 - (f) Delicatessens and restaurants with a forty (40) or less seating capacity
 - (g) 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
 - (h) Day care centers
 - (i) Nursing care homes

SECTION 12. BY AMENDING ARTICLE VIII, PLANNED-DEVELOPMENT PROJECT, SECTION 1. PLANNED DEVELOPMENT PROJECTS, SECTION 5, PERMITTED USES, THROUGH MODIFICATION TO NUMBER 17. PDP(COMBINED), AS FOLLOWS:

Section 5. Permitted Uses:

- 17. PDP(Combined): This category is for mapping purposes for PDPs that contain more than two approved uses.

SECTION 13. 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 14. 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 15. 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 4TH DAY OF APRIL, 2000.

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

BY *Paul H. Sullivan*
PAUL H. SULLIVAN, CHAIRMAN

SEAL

ATTEST *Jemine E. Nimer, Deputy Clerk*
KAREN NICOEAI, CLERK