

**ORDINANCE #2003-02**

**AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, APPENDIX A, ZONING ORDINANCE; BY AMENDING APPENDIX A, ZONING, ARTICLE I, SECTION 3. DEFINITIONS THROUGH MODIFICATION; BY AMENDING APPENDIX A, ZONING, ARTICLE II, SECTION 2 GENERAL REGULATIONS FOR STRUCTURES AND USES. H REGULATIONS FOR TEMPORARY USES AND STRUCTURES THROUGH MODIFICATION; BY AMENDING APPENDIX A, ZONING, ARTICLE IV. BY AMENDING SECTION 2. RESIDENTIAL DISTRICTS, SECTION 6. RURAL DISTRICTS, AND SECTION 13, AGRICULTURAL/RESIDENTIAL DISTRICTS THROUGH MODIFICATION OF PROVISIONS RELATING TO ACCESSORY STRUCTURES; BY AMENDING APPENDIX A, ARTICLE IV, SECTION 3. COMMERCIAL DISTRICTS B. PERMITTED ACCESSORY USES AND STRUCTURES IN ALL COMMERCIAL DISTRICTS THROUGH MODIFICATION; BY AMENDING APPENDIX A, ZONING, ARTICLE IV. SECTION 4. INDUSTRIAL DISTRICTS THROUGH RECONFIRMING 5) DIMENSION AND AREA REGULATIONS; BY AMENDING ARTICLE V, ADMINISTRATION, SECTION 2. ZONING PERMIT AND CERTIFICATE OF USE THROUGH MODIFICATION; BY AMENDING APPENDIX A, ZONING, ARTICLE V. SECTION 4. CONDITIONAL USE PERMIT THROUGH MODIFICATION; BY AMENDING APPENDIX A, ZONING, ARTICLE V, SECTION 8. SPECIAL EXCEPTION USE REGULATIONS, THROUGH MODIFICATION OF D. APPLICATION PROCEDURE, AND CREATION OF A NEW LETTER E. REGARDING PUBLIC INQUIRY WORKSHOPS AND RELETTERING SUBSEQUENT ITEMS; BY AMENDING APPENDIX A, ZONING, ARTICLE VI. AMENDMENTS, THROUGH MODIFICATION OF SECTION 1. SUBMISSION OF ZONING AMENDMENT PETITION, AND CREATION OF A NEW SECTION 3. REGARDING PUBLIC INQUIRY WORKSHOPS, AND RENUMBERING SUBSEQUENT ITEMS; BY AMENDING APPENDIX A, ZONING, ARTICLE VIII, PLANNED DEVELOPMENT PROJECTS, THROUGH MODIFICATION OF SECTION 1. PLANNED DEVELOPMENT PROJECTS, (L) REGARDING ACCESSORY STRUCTURES IN RESIDENTIAL PLANNED DEVELOPMENT PROJECTS; BY PROVIDING FOR SEVERABILITY; PROVIDING INCLUSION INTO THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

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

**FILED**

**2003 FEB 21 PM 3:48**

**DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA**

**SECTION 1. BY AMENDING APPENDIX A, ARTICLE I, SECTION 3. DEFINITIONS, THROUGH ADDITION AS FOLLOWS:**

123. Wellhouse: a structure over a well designed to protect the well. A wellhouse is not to be used as a storage shed. A wellhouse shall not exceed 25 square feet and 5' in height.

**SECTION 2. BY AMENDING APPENDIX A, ARTICLE II, SECTION 2 GENERAL REGULATIONS FOR STRUCTURES AND USES. H REGULATIONS 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 subject to meeting the following development review 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. No electric service will be permitted for temporary uses and structures which do not include placement of a building or mobile home approved through the permitting process.
3. Seasonal sales of plants and plant material shall be allowed as a temporary use at established churches, schools and fraternal organizations for a period not to exceed thirty (30) days. Such sales must utilize the existing parking area for parking and traffic circulation associated with the use.
4. A Recreational Vehicle for security purposes is allowable as accessory to a temporary use which is allowable for less than thirty (30) days in duration.

5. Roadside Sales are prohibited unless otherwise authorized by the County's Land Development Regulations.

**SECTION 3. BY AMENDING APPENDIX A, ZONING, ARTICLE IV.  
SECTION 2. RESIDENTIAL DISTRICTS B. R-1B,  
RESIDENTIAL DISTRICT THROUGH MODIFICATION OF (4)  
DIMENSION AND AREA REGULATIONS (K) ACCESSORY  
STRUCTURES 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:
  - (k) Accessory Buildings and 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 pervious or 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. Accessory buildings or structures 5' or less in height, and smaller than 40 square feet in size shall not be required to obtain a zoning permit. Such buildings or structures are allowed in the side and rear yards only and must meet the minimum yard requirements for accessory buildings in the district.
  - viii. Except as provided in subparagraph ix. 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.
  - ix. One detached garage, in addition to the detached building provided for in item viii 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.

- x. There are no minimum yard standards for wellhouses as defined in this ordinance.

**SECTION 4. BY AMENDING APPENDIX A, ZONING, ARTICLE IV. SECTION 2. RESIDENTIAL DISTRICTS C. R-1C, RESIDENTIAL DISTRICT THROUGH MODIFICATION OF (4) DIMENSION AND AREA REGULATIONS (K) 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 Buildings and 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 pervious or 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. Accessory buildings or structures 5' or less in height, and smaller than 40 square feet in size shall not be required to obtain a zoning permit. Such buildings or structures are allowed in the side and rear yards only and must meet the minimum yard requirements for accessory buildings in the district.
- viii. Except as provided in subparagraph ix. 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.
- ix. One detached garage, in addition to the detached building provided for in item viii 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

- x. There are no minimum yard standards for wellhouses as defined in this ordinance.

**SECTION 5. BY AMENDING APPENDIX A, ZONING, ARTICLE IV. SECTION 2. RESIDENTIAL DISTRICTS D. R-2.5, RESIDENTIAL DISTRICT THROUGH MODIFICATION OF (4) DIMENSION AND AREA REGULATIONS (K) 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 pervious or 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. Accessory buildings or structures 5' or less in height, and smaller than 40 square feet in size shall not be required to obtain a zoning permit. Such buildings or structures are allowed in the side and rear yards only and must meet the minimum yard requirements for accessory buildings in the district.
- viii. 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.
- ix. 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.
- x. 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.
- xi. Except as provided in subparagraph xij. 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.
- xii. One detached garage, in addition to the detached building provided for in item xi 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.
- xiii. There are no minimum yard standards for wellhouses as defined in this ordinance.

**SECTION 6. BY AMENDING APPENDIX A, ARTICLE IV, SECTION 3. COMMERCIAL DISTRICTS B. PERMITTED ACCESSORY USES AND STRUCTURES IN ALL COMMERCIAL DISTRICTS AS FOLLOWS:**

**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. General Regulations for Temporary Uses and Structures set forth in Article 2, Section 2 of this code shall apply to temporary uses or structures allowable hereunder. 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 7. BY AMENDING APPENDIX A, ZONING, ARTICLE IV.  
SECTION 4. INDUSTRIAL DISTRICTS THROUGH  
MODIFICATION OF (5) DIMENSION AND AREA  
REGULATIONS TO READ AS FOLLOWS:**

- (5) *Dimensions and area regulations:* The following dimension and area regulations shall apply in all Industrial districts:
  - (a) The front yard requirement along U.S. 19, S.R. 50, U.S. 41, U.S. 98, U.S. 301, C.R. 578, and C.R. 485 shall be one hundred twenty-five (125) feet.
  - (b) Along all other functionally classified roads not included in (a) above as identified on the Existing Functional Classification Map developed by Hernando County, the front setback shall be 75’
  - (c) Along all roadways not identified on the Existing Functional Classification Map, the minimum front yard requirement is thirty-five feet (35’).

The Existing Functional Classification Map developed by Hernando County is hereby adopted by reference and made part of this Section. The official Existing Functional Classification Map shall be placed on file at the Hernando County Planning Department. The Existing Functional Classification Map may be modified by board resolution at any time upon notice of an advertised public hearing.

- (d) *Minimum side yard requirement:* The minimum side yard requirement for industrial districts is twenty (20) feet.
- (e) *Minimum rear yard requirement:* The minimum rear yard requirement for industrial districts is thirty-five (35) feet. The board may, upon request by an applicant, reduce the required rear yard where such rear yards would be adjacent to railroad sidings if such reduction would not be detrimental to surrounding areas.
- (f) *Industrial lots adjacent to residential districts:* All industrial uses in all industrial districts which are located on lots adjacent to a residential district shall maintain a minimum setback requirement for all structures of thirty-five (35) feet in the side or rear yard adjacent to the residential district. The outer portion of the required thirty-five-foot setback bordering the parcel and adjacent to the residential district shall consist of a five-foot landscaped separation strip. The nonresidential use located on such lot shall be permanently screened from the adjoining and contiguous residential properties by a wall, fence, evergreen, hedge, and/or other approved enclosures. Such screening shall have a minimum height of five (5) feet and a maximum height of eight (8) feet.
- (g) *Maximum building height:* The maximum building height in industrial districts is forty-five (45) feet and/or three (3) stories. The maximum building height permitted may be increased provided one additional foot is added to each of the required yards for each additional foot of building height constructed over the maximum building height permitted. In such cases the minimum side yard requirement shall be thirty-five (35) feet plus one additional foot for each additional foot of building height constructed over the maximum building height permitted.
- (h) *Communication Tower:* A monopole tower shall meet the setbacks of the Industrial District. In no case shall a monopole tower 100 feet in height or greater be located within 125% of its height to any residentially zoned property, unless such property is used or designated for a nonresidential use. In no case shall a monopole tower less than 100 feet in height be located within 100% of their height to any residentially zoned property unless such property is used or designated for a nonresidential use.

**SECTION 8. BY AMENDING APPENDIX A, ZONING, ARTICLE IV.  
SECTION 6. RURAL DISTRICTS THROUGH MODIFICATION  
OF (7) DIMENSION AND AREA REGULATIONS, LETTER (D)  
ACCESSORY BUILDINGS TO READ AS FOLLOWS:**

**Section 6: Rural Districts.**

**A. Agricultural District:**

- (d) *Accessory buildings and structures directly or indirectly associated with the principal permitted agricultural use of the premises:*
- i. *Building height:* The maximum building height shall not exceed forty-five (45) feet.
  - ii. *Building setback:* The minimum front yard requirement shall be seventy-five (75) feet.  
  
All other yards shall be a minimum of thirty-five (35) feet. Along U.S. 19, S.R. 50, U.S. 41, U.S. 98, U.S. 301, C.R. 578, C.R. 485 and C.R. 50 front yard requirement shall be one hundred twenty-five (125) feet.
  - iii. *Location:* All accessory buildings shall be located no closer to the front property line than the front yard requirement for the district. If a single-family dwelling is on or will be on the premises, the accessory building shall be no nearer than fifteen (15) feet to such dwelling.
  - iv. Detached accessory structures which have impervious roof coverings shall meet the minimum yard requirement for accessory buildings in the district.
  - v. Accessory buildings or structures 5' or less in height, and smaller than 40 square feet in size shall not be required to obtain a zoning permit. Such buildings or structures must meet the minimum yard requirements for accessory buildings in the district.
  - vi. There are no minimum yard standards for wellhouses as defined in this ordinance.

**SECTION 9. BY AMENDING APPENDIX A, ZONING, ARTICLE IV. SECTION 6. B. COUNTRY 2.5 DISTRICT THROUGH MODIFICATION OF (5) ACCESSORY BUILDINGS TO READ AS FOLLOWS:**

**B. Country 2.5 District**

**(5) Accessory building and structures:**

- i. *Building height:* The maximum building height shall not exceed forty-five (45) feet.
- ii. *Building setback:* The minimum front yard requirement shall be seventy-five (75) feet.

All other yards shall be a minimum of thirty-five (35) feet. Along U.S. 19, S.R. 50, U.S. 41, U.S. 98, U.S. 301, C.R. 578, C.R. 485 and C.R. 50 front yard requirement shall be one hundred twenty-five (125) feet.

- iii. *Location:* All accessory buildings shall be located no closer to the front property line than the front yard requirement for the district. If a single family dwelling is on or will be on the premises, the accessory building shall be no nearer than fifteen (15) feet to such dwelling.
- iv. Detached accessory structures which have impervious roof coverings shall meet the minimum yard requirements for accessory buildings in the district.
- v. Accessory buildings or structures 5' or less in height, and smaller than 40 square feet in size shall not be required to obtain a zoning permit. Such buildings or structures must meet the minimum yard requirements for accessory buildings in the district.
- vi. There are no minimum yard standards for wellhouses as defined in this ordinance.

**SECTION 10. BY AMENDING APPENDIX A, ZONING, ARTICLE IV. SECTION 13. AGRICULTURAL/RESIDENTIAL DISTRICTS**

**THROUGH MODIFICATION OF A. (4) SPECIAL  
REGULATIONS TO READ AS FOLLOWS:**

**Section 13. Agricultural/Residential Districts**

A. The following regulations apply to agricultural/residential district's as indicated:

(4) *Special Regulations:*

- (a) No odor nor dust producing substance nor use, except in connection with cultivation of permitted uses, shall be permitted within seventy-five (75') feet of a property line.
- (b) No products shall be publicly displayed nor offered for sale from the roadsides unless a special exception use permit is obtained.
- (c) All accessory buildings shall be located at least ten (10) feet from the side or rear property lines, or no closer to the front property line than the front yard requirement for the district. If a single-family dwelling is on, or will be on the premises in the future, the accessory building shall be no nearer than fifteen (15) feet to such dwelling.
- (d) Detached accessory structures which have impervious roof coverings shall meet the minimum yard requirements for accessory buildings in the district.
- (e) Accessory buildings or structures 5' or less in height, and smaller than 40 square feet in size shall not be required to obtain a zoning permit. Such buildings or structures must meet the minimum yard requirements for accessory buildings in the district.
- (f) There are no minimum yard standards for wellhouses as defined in this ordinance.

**SECTION 11. BY AMENDING APPENDIX A, ZONING, ARTICLE V.  
ADMINISTRATION, SECTION 2. ZONING PERMIT AND  
CERTIFICATE OF USE THROUGH MODIFICATION OF  
LETTER A. AS FOLLOWS:**

**Section 2. Zoning Permit and Certificate of Use.**

A. A Zoning permit shall be required for any of the following unless otherwise provided for in this ordinance:

1. Excavation, construction or alteration relating to any building
2. Excavation, construction or alteration relating to any of the following structures:
  - a. Signs
  - b. Structures with impervious roof coverings greater than 5' in height or 40 square feet in size
  - c. Boat lifts
  - d. Towers
  - e. Retaining walls
  - f. Docks
  - g. Decks
  - h. Residential remodel
  - i. Any alteration which changes a setback
  - j. Other similar items as determined by the Administrative Official

It shall be unlawful to commence any excavation or construction or any alteration of any structure which requires a zoning permit until the Administrative Official has issued a zoning permit authorizing such work. If no zoning permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record and evidence of the lack of a zoning permit shall establish a prima facie case for the issuance of the restraining order.

B. Certificate of use prior to occupancy and change of use: It shall be unlawful to occupy any newly erected or altered structure or to change the use of any premises even though no structure was erected or altered until the Administrative Official has issued a certificate of use authorizing such occupancy.

C. Exceptions: No zoning permit or certificate of use shall be required in the following cases:

1. Recurring maintenance work regardless of cost;
2. Installation of required improvements according to authorized subdivision construction drawings.
3. Alterations to residential structures which do not change the exterior dimensions of the structure.

D. Procedure:

1. The procedure for securing a zoning permit shall be as follows:
  - a. Application: In applying to the Administrative Official for a zoning permit, the applicant shall submit a plat along with the application, drawn to scale, showing the dimensions of the lot to be built upon, the outside dimensions of all structures to be constructed or altered and all existing structures, yard depths, and any other information necessary for determining conformance with the zoning ordinance.
  - b. Issuance: If the proposed construction or alteration conforms with all applicable provisions of the zoning ordinance and all other applicable ordinances, regulations and codes, the Administrative Official shall issue a zoning permit authorizing such construction or alteration. If the proposed construction or alteration fails to conform, the Administrative Official shall refuse to issue a zoning permit and shall deliver written notice to the applicant stating the reasons for the refusal. The Administrative Official shall act upon application for zoning permits within two (2) weeks from the date of their submission.
  - c. Validity: The issuance of a zoning permit by the Administrative Official shall not waive any provision or regulation of the zoning ordinance.
  - d. Duration: A zoning permit shall become void six months from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized therein. Substantial progress, as set forth herein, shall mean that binding contracts for the construction of the main building, buildings, or other improvements have been let; or in the absence of contracts that the main building, buildings, or other improvements, are under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed.
  
2. The procedure for securing a certificate of use shall be as follows:
  - a. Application: In applying to the Administrative Official for a certificate of use, the applicant shall notify the Administrative Official in writing of the date on which the occupancy of any new or altered structure or the new use of any premises will be ready to commence.
  - b. Issuance: If the newly erected or altered structures and the new use of premises conform with all applicable provisions of the zoning ordinance and all other applicable ordinances, regulations, and codes, the Administrative Official shall issue a certificate of use authorizing the occupancy thereof. If the structure or use fails to conform, the Administrative Official shall inspect a new structure on the premises for



which a new use is proposed and shall issue or refuse a certificate of use within three days after the date on which the new use is ready to commence.

- c. Validity: The issuance of a certificate of use by the Administrative Official shall not waive any provision or regulation of the zoning ordinance.

**SECTION 12. BY AMENDING APPENDIX A, ZONING, ARTICLE V. 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. *Conditional use allowable in any zoning district with Planning and Zoning Commission approval:*
  - (1) Temporary real estate sales office exclusively for real estate sales of property in a developing subdivision.
  - (2) Second principal building on one lot of record in cases of extreme personal hardship, etc.
  - (3) Temporary structures.
  - (4) Temporary uses, other than those permitted as accessory uses and structures in all commercial districts
  - (5) Seasonal sales of plants or plant materials which are not accessory to churches, schools or fraternal organizations as principal uses of property
- B. **Other Conditional Uses Permitted in Specific Zoning Districts with Planning and Zoning Commission Approval:**
  - (1) Conditional uses other than those listed above may be permitted in specific zoning districts as provided for in this Ordinance.
- C. **Conditional Use Permits allowable in any zoning category with Administrative Official Approval:**

- (1) Carnivals, circuses, tent revivals, festivals and special events of a similar nature where any associated retail sales are incidental to the use and not a principal or primary aspect of the use.
- (2) Conditional Use Permits approved by the Administrative Official may be issued for a period not to exceed four (4) weeks.

D. *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. A public contact person must be designated on the application. The public contact person would be required to answer questions and provide information to the public.
- (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) Upon determination of need by the County staff based upon the number of public inquiries or the size and complexity of the project, the applicant shall be required to conduct a Public Inquiry Workshop at a location in Hernando County prior to the hearing as follows:
  - a. The applicant shall post the property with a Public Inquiry Workshop notice sign as supplied by the County Administrator or designee.
  - b. The applicant shall mail a notice via regular mail 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 list of adjacent property owners shall be the same as for the public hearing

application. The applicant shall provide a notarized affidavit indicating that said notice was mailed.

- c. The applicant shall provide a Citizen Sign-in sheet to the County accompanied by a notarized affidavit indicating that the list is an official providing a notarized record of attendance at the meeting. The Citizen Sign-In sheet will become a part of the official application file.

- (4) The petitioner shall be responsible for all costs incurred in the notice procedure for the public inquiry workshop and the public hearing.

E. *Issuance of Permit:*

- (1) After the application and accompanying information has been received and processed by the Development Department, those applications submitted for conditional use permits allowable in any zoning category with Administrative Official approval 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) All other applications for conditional use permits 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.
- (4) All conditional uses must meet the minimum requirements of the county's Land Development Regulations unless specific deviations are requested and approved

- F. *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 V, SECTION 8. SPECIAL EXCEPTION USE REGULATIONS, D. APPLICATION PROCEDURE THROUGH MODIFICATION AS FOLLOWS:**

*D. Application procedure*

- (1) *Application for a special exception use permit.* The application for a special exception use permit shall be in the form prescribed by the rules of the governing body. A public contact person must be designated on the application. The public contact person will be required to answer questions and provide information regarding the request to the public.

**SECTION 14: BY AMENDING ARTICLE V, SECTION 8. SPECIAL EXCEPTION USE REGULATIONS, THROUGH INCLUSION OF A PUBLIC INQUIRY WORKSHOP AS LETTER E. AND RELETTERING SUBSEQUENT ITEMS AS FOLLOWS:**

*E. Public Inquiry Workshop*

- (1) Upon determination of need by the County staff based upon the number of public inquiries or the size and complexity of the project, the applicant shall be required to conduct a Public Inquiry Workshop at a location in Hernando County prior to the hearing as follows.
  - a. The applicant shall post the property with a Public Inquiry Workshop notice sign as supplied by the County Administrator or designee.
  - b. The applicant shall mail a notice via regular mail 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 list of

adjacent property owners shall be the same as for the public hearing application. The applicant shall provide a notarized affidavit indicating that said notice was mailed.

c. The applicant shall provide a Citizen Sign-in sheet to the County accompanied by a notarized affidavit indicating that the list is an official record of attendance at the meeting. The Citizen Sign-In sheet will become a part of the official application file.

(2) The petitioner shall be responsible for all costs incurred in the notice procedure for the public inquiry workshop and the public hearing.

**SECTION 15: BY AMENDING APPENDIX A, ZONING, ARTICLE VI. AMENDMENTS, SECTION 1. SUBMISSION OF ZONING AMENDMENT PETITION THROUGH MODIFICATION OF SECTION 1. SUBMISSION OF A ZONING AMENDMENT PETITION AS FOLLOWS:**

**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 designate a public contact person on the application. The public contact person would be required to answer questions and provide information regarding the petition to the public.
  - (4) It shall state the reason why such regulations, restrictions or boundaries should be amended, supplemented, changed or repealed;
  - (5) 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;

- (6) 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;
- (7) 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.
- (8) 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 16. BY AMENDING APPENDIX A, ZONING, ARTICLE VI. AMENDMENTS, SECTION 1. SUBMISSION OF ZONING AMENDMENT PETITION THROUGH CREATION OF A NEW SECTION 3. REGARDING PUBLIC INQUIRY WORKSHOPS, AND RENUMBERING SUBSEQUENT ITEMS AS FOLLOWS:**

Section 3. Public Inquiry Workshop

- (1) Upon determination of need by the County staff based upon the number of public inquiries or the size and complexity of the project, the applicant shall be required to conduct a Public Inquiry Workshop at a location in Hernando County prior to the action by the Governing Body.
  - a. The applicant shall post the property with a Public Inquiry Workshop notice sign as supplied by the County Administrator or designee.
  - b. The applicant shall mail a notice via regular mail 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 list of adjacent property owners shall be the same as for the public hearing application. The applicant shall provide a notarized affidavit indicating that said notice was mailed.
  - c. The applicant shall provide a Citizen Sign-in sheet to the County accompanied by a notarized affidavit indicating that the list is an official record of attendance at the meeting. The Citizen Sign-In sheet will become a part of the official application file.

- (2) The petitioner shall be responsible for all costs incurred in the notice procedure for the public inquiry workshop and the public hearing.

**SECTION 17. BY AMENDING ARTICLE VIII, PLANNED DEVELOPMENT PROJECTS, THROUGH MODIFICATION SECTION 1. PLANNED DEVELOPMENT PROJECTS, (L) REGARDING ACCESSORY STRUCTURES IN RESIDENTIAL PLANNED DEVELOPMENT PROJECTS AS FOLLOWS:**

L. Accessory Structures and Buildings 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 pervious or 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. Accessory buildings or structures 5' or less in height, and smaller than 40 square feet in size shall not be required to obtain a zoning permit. Such buildings or structures are allowed in the side and rear yards only and must meet the applicable accessory building or structure setbacks.
- viii. Except as provided in subparagraph ix. 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.
- ix. One detached garage, in addition to the detached building provided for in item viii 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 18. 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 19. 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 20. 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 11th DAY OF FEBRUARY, 2003.**

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

BY: Mary E. Whitehouse  
MARY E. WHITEHOUSE  
CHAIRPERSON

SEAL

ATTEST Sherry L. Boardman Deputy  
KAREN NICOLAI, CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY: [Signature]  
County Attorney's Office