

ORDINANCE #2005-01

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES APPENDIX A, ZONING; BY AMENDING APPENDIX A, ARTICLE I, SECTION 3. DEFINITIONS; BY AMENDING APPENDIX A, ARTICLE II, GENERAL REGULATIONS, SECTION 4. GENERAL REGULATIONS FOR VEHICLES A. OFF-STREET PARKING SPACE AND ACCESS THROUGH MODIFICATION; BY AMENDING APPENDIX A, ARTICLE III, SPECIFIC REGULATIONS, SECTION 3. SPECIFIC USE REGULATIONS, F. COMMERCIAL VEHICLES AND EQUIPMENT THROUGH MODIFICATION; BY AMENDING APPENDIX A, ARTICLE III, SPECIFIC REGULATIONS, SECTION 3. SPECIFIC USE REGULATIONS, K. COMMERCIAL DESIGN STANDARDS THROUGH MODIFICATION; BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE V. ADMINISTRATION, SECTION 3. APPEALS AND VARIANCES, H. REQUIRED NOTICE FOR APPEALS AND VARIANCES (3) SIGN POSTING, THROUGH MODIFICATION OF c) TO INCLUDE A PROVISION TO ENSURE APPROPRIATE SIGNAGE; AMENDING APPENDIX A, ARTICLE V. ADMINISTRATION, SECTION 4. CONDITIONAL USE PERMITS (D) APPLICATION PROCEDURE THROUGH MODIFICATION OF (2) TO INCLUDE A PROVISION TO ENSURE APPROPRIATE SIGNAGE; BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE V. ADMINISTRATION, SECTION 8. SPECIAL EXCEPTION USE REGULATIONS, F. REQUIRED NOTICE (3) SIGN POSTING C THROUGH MODIFICATION TO INCLUDE A PROVISION TO ENSURE APPROPRIATE SIGNAGE; BY AMENDING APPENDIX A, ARTICLE V. ADMINISTRATION, SECTION 8. SPECIAL EXCEPTION USE REGULATIONS THROUGH MODIFICATION; BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE VI. AMENDMENTS, SECTION 5. REJECTED PROPOSED ZONING AMENDMENTS THROUGH MODIFICATION; BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE VI. AMENDMENTS, SECTION 7. REQUIRED NOTICE B. REQUIRED POSTING OF NOTICE THROUGH MODIFICATION TO INCLUDE A PROVISION TO ENSURE APPROPRIATE SIGNAGE DURING THE PUBLIC HEARING PROCESS; BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE VI. AMENDMENTS, SECTION 7. REQUIRED NOTICE THROUGH ADDITION OF C. PROVIDING FOR PROCEDURES IN THE EVENT OF A STATE OF EMERGENCY OR OTHER CAUSE REQUIRING CLOSING OF THE PUBLIC OFFICES; BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE VIII. PLANNED DEVELOPMENT PROJECTS THROUGH MODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR AN EFFECTIVE DATE

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION 1: BY AMENDING APPENDIX A, ZONING, ARTICLE I, SECTION 3. DEFINITIONS THROUGH CREATION OF A DEFINITION FOR

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TREASURER, FLORIDA

PARKING AND LOADING AREAS TO BE PLACED IN THIS SECTION IN ALPHABETICAL ORDER AND MODIFICATION OF PRIMARY FACADE, AS FOLLOWS:

Parking and Loading Areas: includes parking and loading areas, driveways, accessways, private frontage roads, and circulation areas through and in parking lots.

Primary Facade: A side of a building that faces a street used by the public, whether or not dedicated to or owned or maintained by a governmental entity, or has the primary customer entrance. (A building may have more than one primary facade). For making a determination as to whether a side of a building faces a street, all street side faces within an area between two lines drawn tangent to the furthest extent of a building and perpendicular to the street, are included.

SECTION 2: BY AMENDING APPENDIX A, ZONING, ARTICLE III, SECTION 3. F. COMMERCIAL VEHICLES AND EQUIPMENT, THROUGH MODIFICATION:

F. Commercial vehicles and equipment:

1. The parking of commercial vehicles and equipment is unlawful in all residential zoning districts, residential planned development projects, mobile home planned development projects, R-1MH district, C-3 mobile home park districts and all agricultural/residential districts unless the equipment or vehicle is being utilized in connection with a construction or service activity being conducted in the immediate area. Service activity does not include the service or maintenance of commercial vehicles or equipment. Commercial equipment such as a utility trailer, lawn equipment or construction equipment, may be stored on the premises if they are stored inside or in an area not visible from the streets or other property.
2. A special exception use permit may be applied for pursuant to Article V, Section 8. Special Exception Use Regulations of this ordinance on parcels zoned AR, AR-1 or AR-2 in order to park one (1) commercial vehicle, operated by the legal residents of the parcel, provided the property is a minimum of 2½ acres in size.
3. One (1) commercial vehicle, operated by the legal residents of the parcel, is allowed to be parked on an agriculturally zoned parcel. A special exception use permit may be applied for pursuant to Article V, Section 8. Special Exception Use Regulations of this ordinance in the agricultural district to park additional commercial vehicles, operated by the legal residents of the parcel, provided the property is a minimum of 2½ acres in size. This section is not intended to limit the parking of commercial vehicles in the AG district when the vehicles are associated with a permitted AG use on the property.

4. The parking of commercial vehicles and equipment is unlawful in the C-1, C-2, C-3, OP, CM-1, CM-2, AC, PDP(GHC), PDP(GC), PDP(HC), PDP(NC), and PDP(OP) districts unless the commercial vehicle and equipment is associated with the permitted use of the property.
5. The parking of commercial vehicles, not associated with the business or businesses located on the site, is permitted in the C-1, C-2, PDP(GHC), PDP(GC) and PDP(HC) districts, with the following performance conditions:
 - a. The parking of commercial vehicles shall be limited to no more than ten commercial vehicles.
 - b. The parking of commercial vehicles shall not be allowed on any commercial tract less than five acres.
 - c. The parking of commercial vehicles shall only be allowed on paved parking lots.
 - d. The property on which the commercial vehicles may park shall have direct access to County truck routes.
6. Any commercial vehicle operated by the legal resident of a residentially zoned parcel which was legally parked on the parcel on or prior to October 13, 1998, may continue to be parked until January 1, 2005, at which time it must be removed.
7. Any commercial vehicle operated by the legal resident of an Agricultural-Residentially zoned parcel which was legally parked on said parcel on or prior to October 13, 1998, may continue to be parked until such time as the property is transferred or until the parking is discontinued for a period of two years, whichever occurs first. In any such case, the prohibitions of this subsection shall fully apply.

SECTION 3: BY AMENDING APPENDIX A, ARTICLE III, SECTION 3. K. COMMERCIAL DESIGN STANDARDS 3. BUILDING ORIENTATION AND PRIMARY FACADE STANDARDS, B. REQUIREMENTS; AND 4. PRIMARY FACADE STANDARDS, A. INTENT, THROUGH MODIFICATION AS FOLLOWS:

K. COMMERCIAL DESIGN STANDARDS

3. Building Orientation and Primary Facade Standards

- A. Intent.** The intent of this section is to encourage commercial development that addresses its orientation to the street and to require higher architectural standards for those building facades that are visible from the street.
- B. Requirements**

- (1) Primary facades must meet the primary facade standards outlined in this section. For purposes of this section, the term street includes driveways and accessways, and other ways used by the public for vehicular travel, whether or not dedicated to or owned or maintained by a governmental entity; except that alleys are excluded.
- (2) Commercial buildings located mid-block shall be oriented to face the street, unless it can be shown that there are compelling site conditions that necessitate that the building not face the street, then the building is considered to have two primary facades; the facade that faces the street and the facade that incorporates the customer service entrance.
- (3) Commercial buildings on corner lots shall be oriented to face a street, unless it can be shown that there are compelling site conditions that necessitate a different orientation. If site conditions necessitate that the primary entrance not face the street, then the building is considered to have three primary facades; the two facades that face the street and the facade that incorporates the customer service entrance.
- (4) All primary facades of a building shall be designed with consistent architectural style, detail, trim features, and roof treatments.
- (5) For parcels of one half (½) acre or larger, building perimeter landscaping on the primary facade side shall be planted adjacent to, or between the building and the drive aisle or parking area and shall include shrubs and ground cover. The minimum landscaped area shall be determined by the following formula: 5 feet times the length of each primary facade times 50%. The area of building perimeter landscaping can be used to meet the required 15% landscaping for the parcel. Landscaping shall where feasible, use native and drought tolerate plant materials.

4. Primary Facade Standards

- A. Intent.** The intent of this section is to require primary facades of a commercial development to meet certain minimal architectural standards for those building facades. This section is specifically applicable to that side of any structure which faces a street and / or which has the primary customer entrance.

SECTION 4: BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE V. ADMINISTRATION, SECTION 3. APPEALS AND VARIANCES, H. REQUIRED NOTICE FOR APPEALS AND VARIANCES (3) SIGN POSTING AND THROUGH MODIFICATION OF (c) TO INCLUDE A

PROVISION TO ENSURE APPROPRIATE SIGNAGE DURING THE PUBLIC HEARING PROCESS AS FOLLOWS:

(3). Sign Posting:

After the signs are posted, the petitioner shall prepare an affidavit certifying that the required signs were posted, including a description of the parcel of land on which the signs were placed.

- c). This affidavit must be filed with the County Administrator or designee prior to the public hearing. The County shall make affidavit forms available for use by the applicant. It is the responsibility of the petitioner to ensure that the sign(s) are appropriately posted and remain on the property during the public hearing process in a legible condition. If the condition of the sign(s) deteriorate through the process, it shall be the responsibility of the petitioner to repost the property at no cost to the county. Failure to maintain the signs in accordance with this section may result in a delay to the public hearing process. The petitioner shall be responsible for removal of the sign(s) within 10 days of the date the decision on the petitioner's application becomes final or the date of appeal of a commission or governing body decision for judicial determination, whichever comes first. Failure to timely remove any such sign(s) is prohibited.

SECTION 5: BY AMENDING ARTICLE V. ADMINISTRATION, SECTION 4. CONDITIONAL USE PERMITS THROUGH MODIFICATION OF (D) APPLICATION PROCEDURE THROUGH INCLUSION OF A PROVISION IN (2) TO ENSURE APPROPRIATE SIGNAGE DURING THE PUBLIC HEARING PROCESS AS FOLLOWS:

D. Application Procedure:

- (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. It is the responsibility of the petitioner to ensure that the sign(s) are appropriately posted and remain on the property during the public hearing process in a legible condition. If the condition of the sign(s) deteriorate through the process, it shall be the responsibility of the petitioner to repost the property at no cost to the county. Failure to maintain the signs in accordance with this section may result in a delay of the public hearing process. The petitioner shall be responsible for removal of the sign(s) within 10 days of the date the decision on the petitioner's application becomes final or the date of appeal of a commission or governing body decision for judicial determination, whichever comes first. Failure to timely remove any such

sign(s) is prohibited. 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.

SECTION 6: BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE V. ADMINISTRATION, SECTION 8. SPECIAL EXCEPTION USE REGULATIONS, F. REQUIRED NOTICE (3) SIGN POSTING (C) THROUGH MODIFICATION TO INCLUDE A PROVISION TO ENSURE APPROPRIATE SIGNAGE DURING THE PUBLIC HEARING PROCESS AS FOLLOWS:

Section 8. Special Exception Use Regulations

F. *Required notice:*

(3) *Sign Posting:*

- (c) After the signs are posted, the petitioner shall prepare an affidavit certifying that the required signs were posted, including a description of the parcel of land on which the signs were placed. This affidavit must be filed with the County Administrator or designee prior to the public hearing. The County Administrator or designee shall make affidavit forms available for use by the applicant. It is the responsibility of the petitioner to ensure that the sign(s) are appropriately posted and remain on the property during the public hearing process in a legible condition. If the condition of the sign(s) deteriorate through the process, it shall be the responsibility of the petitioner to repost the property at no cost to the county. Failure to maintain the signs in accordance with this section may result in a delay of the public hearing process. The petitioner shall be responsible for removal of the sign(s) within 10 days of the date the decision on the petitioner's application becomes final or the date of appeal of a commission or governing body decision for judicial determination, whichever comes first. Failure to timely remove any such sign(s) is prohibited.

SECTION 7: BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE V. ADMINISTRATION, SECTION 8. SPECIAL EXCEPTION USE REGULATIONS, THROUGH CREATION OF H. REJECTION OF SPECIAL EXCEPTION USE PERMIT AND RELETTERING SUBSEQUENT ITEMS AS FOLLOWS:

- H. Rejected special exception use permit: The commission may refuse to review any proposed special exception use permit which has been rejected by the commission within the past

twelve month period. For purposes of this section, a special exception use permit request for the same land use classification will not be scheduled within the twelve month time period without approval by the commission

A petitioner must make a written request to the commission for review and decision at a public meeting as to whether the commission wishes to hear the request within the twelve-month period.

SECTION 8: BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE VI. AMENDMENTS, SECTION 5. REJECTED PROPOSED ZONING AMENDMENTS THROUGH MODIFICATION AS FOLLOWS:

Section 5. Rejected proposed zoning amendments

The commission may refuse to review any proposed zoning district map amendment which has been rejected by either the commission or the governing body within the past twelve month period. For purposes of this section, a zoning district map amendment request for the same zoning district will not be scheduled within the twelve month time period without approval by the commission.

A petitioner must make a written request to the commission for review and decision at a public meeting as to whether the commission wishes to hear the request within the twelve-month period.

Within two weeks of the public meeting where the commission makes a decision regarding scheduling of any proposed zoning district map amendment, the governing body may decide to reverse the commission's decision.

The governing body may refuse to review any proposed textual amendment to the zoning ordinance which has been rejected by either the commission or the governing body within the past twelve-month period. A petitioner must make a written request to the governing body for review and decision at a public meeting as to whether the governing body wishes to hear the request within the twelve-month period.

SECTION 9 : BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE VI. AMENDMENTS, SECTION 7. REQUIRED NOTICE THROUGH ADDITION OF C. PROVIDING FOR PROCEDURES IN THE EVENT OF A STATE OF EMERGENCY OR OTHER CAUSE REQUIRING CLOSING OF THE PUBLIC OFFICES, AS FOLLOWS:

Section 7. Required notice for zoning amendment proposals originating with petition of owners of fifty-one percent or more of the area involved in the change:

C. In the event that a state of emergency is declared to exist for the date of a scheduled public hearing before either the commission or the governing body, or if exigent

circumstances require the closure of county offices for the date of such hearing, such that no meeting is or can be held, notice of the rescheduled hearing date shall be required to be published a minimum of five (5) days prior to the rescheduled date.

SECTION 10: BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE VI. AMENDMENTS, SECTION 7. REQUIRED NOTICE B. REQUIRED POSTING OF NOTICE THROUGH MODIFICATION TO INCLUDE A PROVISION TO ENSURE APPROPRIATE SIGNAGE DURING THE PUBLIC HEARING PROCESS, AS FOLLOWS:

Section 7. Required notice for zoning amendment proposals originating with petition of owners of fifty-one percent or more of the area involved in the change.

B. *Required posting of notice:* The petitioner shall, upon adoption of the resolution fixing a date for public hearing on a proposed zoning amendment involving a change in Zoning district classification and not less than fifteen (15) days prior to the date set for the public hearing, post sign(s) on the parcel of land for which the change in Zoning district classification is proposed. Such sign shall have the size, the shape, design and color determined by the Administrative Official. Upon such sign shall be printed or otherwise made to appear the following information:

**PUBLIC NOTICE
REZONING HEARING BEFORE
PLANNING AND ZONING COMMISSION
AND/OR
COUNTY COMMISSION
(as applicable)
HERNANDO COUNTY, FLORIDA
(insert date, meeting time, and location)
PROPOSED TO BE REZONED FROM
_____ TO _____**

The sign(s) furnished by the Planning and Development Department shall be posted by the applicant along each front lot line with the bottom of the sign at least three (3) feet above grade on the property being considered for rezoning. The sign cards shall be posted at the outer property line along the road or street frontage and shall be clearly visible. If the frontage is in excess of three hundred (300) feet, posting of the signs shall be determined by the Planning and Development Department. In those cases where the property does not have frontage on a road, the sign cards shall be posted at the property corners, and where the access road intersects with the nearest county road.

After the sign is posted, the petitioner shall make an affidavit certifying that he had posted the required sign. The affidavit shall include a description of the parcel of land on which such sign was placed. Such affidavit must be filed with the Administrative Official prior to the public hearing. The county shall make affidavit forms available for use by the applicant. It is the responsibility of the petitioner to ensure that the sign(s) are appropriately posted and remain on the property during the public hearing process in legible condition. If the condition of the sign(s) deteriorate through the process, it shall be the responsibility of the petitioner to repost the property at no cost to the county. Failure to maintain the signs in accordance with this section may result in a delay of the public hearing process. The petitioner shall be responsible for removal of the sign(s) within 10 days of the date the decision on the petitioner's application becomes final or the date of appeal of a commission or governing body decision for judicial determination, whichever comes first. Failure to timely remove any such sign(s) is prohibited.

SECTION 11: BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE VIII. PLANNED DEVELOPMENT PROJECT THROUGH MODIFICATION OF SECTION 1. D. BUILDING COVERAGE; ADDING O. OPEN SPACE; MODIFICATION OF SECTION 2. PLAN STANDARDS, AND SECTION 3. NARRATIVE STANDARDS, AS FOLLOWS:

ARTICLE VIII. PLANNED-DEVELOPMENT PROJECT

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

Residential PDPs with multifamily uses and all PDPs with a residential component with multifamily uses shall not exceed more than 45 percent building area coverage for the residential acreage.

O. Open Space:

For Single-Family Planned Development Projects with lots smaller than one acre in size, a minimum of 5% of the gross project site shall be retained in usable open space. For Single Family Planned Development Projects with lots one acre in size or greater, a minimum of 2.5% of the gross project site shall be retained in usable open space. Usable open space excludes drainage retention areas and required buffers. Conservation areas which allow passive use may be utilized in the usable open space calculation.

A minimum of fifty percent of the required open space shall be usable open space in areas at least five hundred (500) square feet in size with no horizontal dimension less than fifteen (15) feet.

Section 2: Plan Standards

For all Planned Development Projects, the petitioner shall submit a master plan to the Planning Department. The master plan shall show the following:

1. Location and acreage of all proposed land uses;
2. External access roads and access points;
3. All internal access roads classified as major local or greater with the number of lots to be served by each road, and access points to individual pods;
4. Natural features, wetlands, listed flora and fauna; or other unique features
5. Separation distances between land uses;
6. Surrounding zoning;
7. Surrounding land uses;
8. Parcel dimensions;
9. Location of Flood Plain;
10. Topographical information;
11. Drainage Retention Areas if proposed as part of the project buffering plan
12. Perimeter project setbacks;
13. Internal project setbacks;
14. Individual lot setbacks;
15. Intensity/density of project.

This shall be considered a preliminary or draft master plan at time of submittal of the rezoning amendment petition. The Governing Body may require that the master plan be revised to meet any additional conditions. If the Governing Body requires such a revision, the petitioner must submit a revised master plan, meeting all conditions, within thirty (30) days of the approval of the Planned Development Project of the rezoning or the rezoning shall become null and void.

Section 3: Narrative Standards

For all Planned Development Projects, the petitioner shall submit a narrative. The narrative shall provide the following:

1. Proposed land uses and acreage of land uses;
2. Proposed density levels for the residential development (if applicable)/intensity of commercial (in square footage)
3. Separation distances for the differing land uses within PDP;
4. Proposed setbacks and minimum sizes for individual lots;
5. Condition of and impact on natural features;
6. Discussion on the impact on infrastructure;
7. Discussion on any proposed improvements to the infrastructure;
8. Proposed uses within all the pods;
9. Existing land uses on the site and the adjacent site;

10. Concept of the development plan

This shall be considered a preliminary narrative at time of submittal of the request for zoning amendment petition. The Governing Body may require that a PDP narrative be revised to meet any additional conditions. If the Governing Body requires such a revision, the petitioner must submit a revised narrative, meeting all conditions, within thirty (30) days of the approval of the Planned Development Project of the rezoning or the rezoning shall become null and void.

SECTION 12. 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 13. 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 14. EFFECTIVE DATE

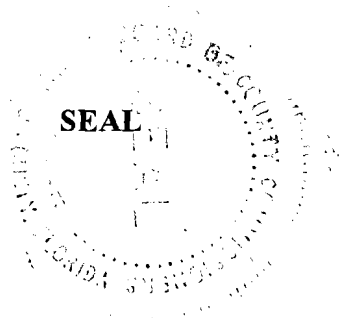
This Ordinance shall become effective upon receipt of the official acknowledgment from the office of the Secretary of State of the State of Florida that this Ordinance has been filed with said office.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION
THIS 8th DAY OF FEBRUARY, 2005.**

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

BY *Robert C. Schenck*
ROBERT C. SCHENCK, CHAIRMAN

ATTEST *Jenine E. Nimer, Deputy Clerk*
KAREN NICOLAI, CLERK



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY *[Signature]* 2/15/05
County Attorney's Office