

FILED
2012 MAR 22 PM 2:43
TALLAHASSEE, FLORIDA

ORDINANCE NO.: 2012- 3

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4 **AN ORDINANCE AMENDING THE LAND USE REGULATIONS**
5 **OF HERNANDO COUNTY, AMENDING APPENDIX “A” (ZONING),**
6 **HERNANDO COUNTY CODE; AMENDING ARTICLE II (GENERAL**
7 **REGULATIONS), SECTION 2 (GENERAL REGULATIONS FOR**
8 **STRUCTURES AND USES); ADDING A NEW AUTHORIZED USE**
9 **(ACCESSORY DWELLING UNIT) AND PROVIDING FOR NEW**
10 **STANDARDS AND CONDITIONS; PROVIDING FOR APPLICABILITY;**
11 **PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING**
12 **PROVISIONS; PROVIDING FOR FILING WITH THE DEPARTMENT**
13 **OF STATE; PROVIDING FOR INCLUSION IN THE CODE AND**
14 **EFFECTIVE DATE.**

15
16 **WHEREAS,** the Board of County Commissioners (County) has adopted the Hernando
17 County Comprehensive Plan within which are included goals, objectives, and policies
18 related to the process for review and approval of certain development applications; and
19

20 **WHEREAS,** Chapter 163, Part II, Florida Statutes, requires the implementation of these
21 goals, objectives, and policies through the adoption of consistent land development
22 regulations; and
23

24 **WHEREAS,** the County desires to update and modernize its land development
25 regulations, and to provide for an additional accessory use of either an attached accessory
26 dwelling unit addition.
27

28 **WHEREAS,** this proposed amendment to the Hernando County Code, Appendix “A”,
29 (Zoning), Article II, (General Regulations) has received public hearings before the Local
30 Planning Agency and the Board of County Commissioners as required by state law; and
31

32 **WHEREAS,** the Board of County Commissioners finds that the proposed amendment is
33 consistent with the goals, objectives and policies of the Comprehensive Plan.
34

35 **NOW THEREFORE:**

36 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS**
37 **OF HERNANDO COUNTY, FLORIDA:**
38

39 **SECTION I. AMENDMENT TO HERNANDO COUNTY CODE APPENDIX “A”**
40 **(ZONING), ARTICLE II, (GENERAL REGULATIONS), SECTION 2,**
41 **(GENERAL REGULATIONS FOR STRUCTURES AND USES).**
42

43 Hernando County Code, Appendix A (Zoning), Article II (General Regulations), Section
44 2 (General Regulations For Structures and Uses) is amended to add Subsection E.
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2 E. Accessory Dwelling Unit –
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- 4 1. “Accessory Dwelling Unit ,” means an additional living space that is an
5 attached addition to an owner-occupied single-family detached home meeting
6 the standards herein.. An Accessory Dwelling Unit may contain their own
7 sleeping, individual kitchen, bathing, toilet, and laundry facilities.
8
- 9 2. Requirements – An Accessory Dwelling Unit shall meet the following
10 standards:
11
- 12 a. No more than one Accessory Dwelling Unit shall be permitted in
13 conjunction with any one principal structure. The maximum number of
14 dwelling units shall not exceed 2 per lot.
15 b. An Accessory Dwelling Unit shall be subordinate to the primary structure,
16 such that the maximum gross habitable floor area of the Accessory
17 Dwelling Unit shall not exceed 50% of the gross habitable floor area of
18 the primary dwelling unit.
19 c. The proposed water supply and sewage disposal facilities must be
20 adequate for the projected number of residents, as determined by the State
21 of Florida Department of Health and/or Hernando County Utilities
22 Department.
23 d. Accessory Dwelling Units shall meet principle structure setback
24 requirements and maximum building areas for each district standard.
25 e. The Accessory Dwelling Unit ’s architectural design shall be consistent
26 with a single-family residence and shall not appear to be a multi-family
27 structure.
28 f. The entrance to the Accessory Dwelling Unit may be through the main
29 access of the principal structure or shall be located on the side or rear of
30 the principal structure.
31 g. The design of the Accessory Dwelling Unit shall be similar in appearance
32 to the primary residence.
33 h. Accessory Dwelling Units shall not be sold separately and are to be used
34 as living quarters for non-paying guests of the principal structure owner-
35 occupant. Accessory Dwelling Units are not to be used as Lodging
36 Houses or Boarding Houses without a Special Exception.
37 i. Accessory Dwelling Units shall share a common wall, or a roofed passage
38 or breezeway extending no further than 30 feet from the primary
39 residence.
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41 **SECTION II. APPLICABILITY.** This Ordinance shall be applicable throughout the
42 unincorporated area of Hernando County.
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44 **SECTION III. SEVERABILITY.** It is declared to be the intent of the Board of County
45 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of

1 this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof
2 shall not affect the validity of the remaining portions of this ordinance.

3
4 **SECTION IV. CONFLICTING PROVISIONS.** Special acts of the Florida
5 Legislature applicable only to unincorporated areas of Hernando County, Hernando
6 County ordinances, County resolutions, or parts thereof, in conflict with this ordinance
7 are hereby superseded by this ordinance to the extent of such conflict except for
8 ordinances concerning either adoption or amendment of the Comprehensive Plan,
9 pursuant to Chapter 163, part II, Florida Statutes.

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11 **SECTION V. FILING WITH THE DEPARTMENT OF STATE.** The clerk shall be
12 and is hereby directed forthwith to send a certified copy of this ordinance to the Bureau
13 of Administrative Code, Department of State, R.A. Gray Bldg., Room 101, 500 S.
14 Bronough Street, Tallahassee, FL 32399-0250.

15
16 **SECTION VI. INCLUSION IN CODE.** It is the intention of the Board of County
17 Commissioners of Hernando County, Florida, and it is hereby provided, that the
18 provisions of this Ordinance shall become and be made a part of the Code of Ordinances
19 of Hernando County, Florida. To this end, any section or subsection of this Ordinance
20 may be renumbered or re-lettered to accomplish such intention, and the word "ordinance"
21 may be changed to "section," "article," or other appropriate designation. Section II
22 through Section VII shall not be codified.

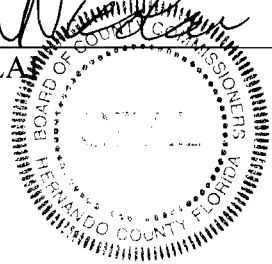
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24 **SECTION VII. EFFECTIVE DATE.** This ordinance shall take effect immediately
25 upon filing with the Department of State.

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28 **DULY PASSED AND ADOPTED IN REGULAR SESSION THIS** 13TH
29 **DAY OF** MARCH, 2012

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

34
35
36 Attest: Karen Nicola
37 KAREN NICOLA

38
39 By: Wayne Dukes
40 WAYNE DUKES
41 CHAIRMAN



42
43 CLERK
44 (SEAL)

45
46 **Approved as to Form and**
Legal Sufficiency
By: Richard Zull



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 26, 2012

Honorable Karen Nicolai
Clerk of the Circuit Court
Hernando County
Room 131, 20 North Main Street
Brooksville, Florida 34601-2800

Attention: Ms. Diane Knoll, Minutes Clerk

Dear Ms. Nicolai:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated March 19, 2012 and certified copies of Hernando County Ordinance Nos. 2012-3 and 2012-4, which were filed in this office on March 22, 2012.

As requested, the date stamped originals are being return for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/srd

Enclosure

2012 MAR 30 PM 12:53

HERNANDO COUNTY
RECEIVED