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ORDINANCE NO. 2012- 1\

AN ORDINANCE AMENDING APPENDIX A (ZONING) ARTICLE I (PREAMBLE; SHORT TITLES; PURPOSE; DEFINITIONS), SECTION 3 (DEFINITIONS), PROVIDING FOR REVISION TO THE DEFINITION OF A HOME OCCUPATION; AMENDING APPENDIX A (ZONING), ARTICLE III (SPECIFIC REGULATIONS), SECTION 3 (SPECIFIC USE REGULATIONS), PARAGRAPH L; AMENDING CRITERIA AND STANDARDS FOR LIMITED BUSINESS ACTIVITIES AND HOME OCCUPATIONS IN RESIDENTIAL RURAL AND AGRICULTURAL DISTRICTS; ADDING CRITERIA AND STANDARDS FOR LIMITED BUSINESS ACTIVITIES APPROVED BY SPECIAL EXCEPTION, AMENDING APPENDIX A (ZONING), ARTICLE III (SPECIFIC REGULATIONS), SECTION 3 (SPECIFIC USE REGULATIONS) PARAGRAPH F (COMMERCIAL VEHICLES AND EQUIPMENT); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

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FILED

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

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

WHEREAS, the County desires to update and modernize its land development regulations, and to provide for additional criteria and standards for approval of home occupations; and

WHEREAS, this proposed amendment to the Hernando County Land Development Regulations, Appendix "A", (Zoning Code), has received public hearings before the Planning and Zoning Commission, Local Planning Agency and the Board of County Commissioners as required by state and local law; and

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

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

3
4 **SECTION I. AMENDING APPENDIX A (ZONING), ARTICLE I (PREAMBLE;**
5 **SHORT TITLES; PURPOSE; DEFINITIONS), SECTION 3 (DEFINITIONS).**
6

7 Appendix A (Zoning), Article I (Preamble; Short Titles; Purpose; Definitions),
8 Section 3 (Definitions) is amended to read as follows, with underlined language
9 added and strike through language deleted:

10
11 **Section 3. – Definitions**
12

- 13 60. Home Occupations: The authorized incidental business use of a
14 dwelling unit, by right, in compliance with the limitations set forth in
15 Article III, Section 3. Paragraph L. (1). (*Limited Business Activities -*
16 *by right*), or the authorized incidental business use of a dwelling
17 unit obtained by approval of a Special Exception, pursuant to Article
18 V, Section 8, and the criteria and standards set forth in Article III,
19 Section 3. Paragraph L. (2). (*Limited Business Activities - by*
20 *exception*). ~~Occupations or activities which are customarily~~
21 ~~maintained or conducted within a dwelling. Such activities are~~
22 ~~incidental to the principal residential use and involve the~~
23 ~~employment of no more than one person who does not reside on~~
24 ~~the premises. Such activities shall occupy no more than twenty-five~~
25 ~~percent (25%) of the total floor area of the dwelling. Home~~
26 ~~occupations in the Agricultural District may utilize an accessory~~
27 ~~structure provided the area of the accessory structure utilized by~~
28 ~~the home occupation does not exceed twenty-five (25%) of the~~
29 ~~living area of the principal dwelling.~~
30

31 **SECTION II. AMENDING APPENDIX A (ZONING), ARTICLE III (SPECIFIC**
32 **REGULATIONS), SECTION 3 (SPECIFIC USE REGULATIONS).**
33

34 Appendix A (Zoning), Article III (Specific Regulations), Section 3 (Specific Use
35 Regulations), Paragraph L, is amended to read as follows, with underlined
36 language added and strike through language deleted:

- 37
38 L. **Home Occupations.** Home occupations are permitted “by right” or
39 “by exception” in accordance with subsections (1) and (2) below.
40 *Standards for allowing limited business activities in residential, rural*
41 *and agricultural-residential zoning categories:* ~~Limited business~~
42 ~~activity incidental to a residential use is allowable in residential,~~
43 ~~rural and agricultural-residential zoning categories subject to the~~
44 ~~following criteria:~~ The intent of these requirements is to provide for
45 certain types of home based businesses in residential, rural and
46 agricultural-residential zoning categories subject to performance

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1 standards that ensure the home based businesses are incidental to
2 the use of the premise as a residence, are compatible with
3 residential uses, limited in scale and intensity, and do not detract
4 from the residential character of the area.

5
6 1. **(Limited Business Activities - by right).** Limited business
7 activities in a dwelling unit are permitted, by right, in the
8 residential, rural and agricultural-residential zoning
9 categories, subject to compliance with all of the following
10 criteria and standards:

11
12 (a) Such business activities are incidental and
13 subordinate to the principal residential use of the
14 premises and the home occupation will not change
15 the principal character of the site as a residence.

16 (b) Such activities shall occupy no more than twenty-five
17 percent (25%) of the total habitable floor area of the
18 residence. Note: Use of more than ten percent (10%)
19 of the total habitable floor area may trigger additional
20 building code requirements, including permits; contact
21 the Building Department.

22 (c) The home occupation shall be conducted entirely
23 within the residence or entirely within an accessory
24 structure.

25 (d) 1.—There is no outside appearance of the limited
26 business activity, including signage.

27 (e) 2.—No advertising will contain the physical address
28 of the home occupation location, including signs on
29 the vehicles.

30 (f) 3.—No employees, or customers, other than
31 residents of the home, will go to or from the
32 residence, other than private tutoring or lessons

33 (g) 4.—Vehicular traffic will be consistent with normal
34 traffic generated within the zoning category.

35 (h) 5.—Noise will be consistent with that volume of
36 noise normally generated by a residence in the
37 applicable zoning category and noise shall not be
38 attributed to the limited business activity.

39 (i) 6.—There will be no outside visible storage of any
40 business related materials, commercial vehicles, or
41 equipment associated with the limited business
42 activity. Commercial vehicles may only be parked or
43 stored as provided for in Article III Section 3.

44 (j) 7.—There will be no change in the structural
45 integrity (exterior appearance) of the structure from
46 that permitted by the rules of the district.

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- 1 (k) 8.—The volume of delivery trucks shall not be in
2 excess of what is normally associated with a
3 residential use in a neighborhood. In no case shall
4 trucks greater than 2 axles make deliveries
5 associated with the limited incidental business use.
6 (l) The “by right” limited business activity shall comply
7 with all of the criteria in this section, and a deviation
8 from the criteria shall require an application for, and
9 compliance with the criteria for a limited business
10 activity “by exception”.

11
12 2. (Limited Business Activities - by exception). Limited
13 business activities (Home Occupation) that do not meet the
14 requirements for limited business activities set forth in
15 paragraph L.1 above, may be permitted by approval of a
16 Special Exception pursuant to Article V, Section VIII,
17 Hernando County Zoning Code, subject to compliance with
18 all the following criteria and standards:

- 19
20 (a) Such business activities are incidental and
21 subordinate to the principal residential use of the
22 premises and the home occupation will not change
23 the principal character of the site as a residence.
24 Customer traffic shall be minimal, and may only be
25 approved by the Special Exception Permit.
26 (b) Such activities shall occupy no more than twenty-five
27 percent (25%) of the total habitable floor area of the
28 residence. Note: Use of more than ten percent (10%)
29 of the total habitable floor area may trigger additional
30 building code requirements, including permits; contact
31 the Building Department.
32 (c) The Home Occupation shall be conducted entirely
33 within the residence or entirely within an accessory
34 structure unless otherwise authorized by approval of
35 the Special Exception Permit.
36 (d) There is no outside appearance of the limited
37 business activity, except that a single “on-site” sign
38 shall be permitted in accordance with Section 25.5-
39 17.
40 (e) No advertising will contain the physical address of the
41 location of the Home Occupation, including signs on
42 vehicles.
43 (f) The Home Occupation involves the employment of no
44 more than one (1) person who does not reside at the
45 residence.

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- 1 (g) Vehicular traffic will be consistent with normal traffic
2 generated within the zoning category. Parking
3 associated with the home occupation shall only be
4 required in accordance with the primary use of the
5 site as a residence.
- 6 (h) Noise will be consistent with that volume of noise
7 normally generated by a residence in the applicable
8 zoning category, and noise shall not be attributed to
9 the limited business activity.
- 10 (i) There will be no visible storage of any business
11 related materials, commercial vehicles, or equipment
12 unless specific authorization is granted by approval of
13 the Special Exception Permit. Commercial vehicles
14 may only be parked or stored as provided for in Article
15 III Section 3.
- 16 (j) There will be no change in the structural integrity
17 (exterior appearance) of the structure from that
18 permitted by the rules of the district.
- 19 (k) The volume of delivery trucks shall not be in excess of
20 what is normally associated with a residential use in a
21 neighborhood. In no case shall trucks greater than 2
22 axles make deliveries associated with the limited
23 incidental business use.
- 24 (l) The applicant for a limited business activities “by
25 exception” shall not transfer the permit to another
26 owner or lessee of the property
- 27 (m) The “by exception” limited business activity shall
28 comply with all of the criteria in this section, and a
29 deviation from the criteria shall not be granted unless
30 specifically authorized by this section.
- 31 (n) Additional performance criteria may be prescribed by
32 the Special Exception Permit to ensure compliance
33 with the criteria of this section and to ensure that the
34 “by exception” limited business does not impact the
35 surrounding neighborhood.

36
37 **SECTION III. AMENDING APPENDIX A (ZONING), ARTICLE III (SPECIFIC**
38 **REGULATIONS), SECTION 3 (SPECIFIC USE REGULATIONS).**

39
40 Appendix A (Zoning), Article III (Specific Regulations), Section 3 (Specific Use
41 Regulations), Paragraph F.1 (Commercial Vehicles and Equipment), is amended
42 to read as follows, with underlined language added and strike through language
43 deleted:

- 44
45 F. Commercial vehicles and equipment:
46 1. The parking of commercial vehicles and equipment is

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1 unlawful except as provided below in all residential zoning
2 districts, residential planned development projects, mobile
3 home planned development projects, R-1MH district, C-3
4 mobile home park districts and all agricultural/residential
5 districts ~~unless the~~. The parking of commercial equipment or
6 vehicles is ~~being utilized~~ allowed in connection with a
7 construction or service activity being conducted in the
8 immediate area. Service activity does not include the service
9 or maintenance of commercial vehicles or equipment.
10 Commercial vehicles less than 10,000 pounds, as defined
11 Article I, Section 3, and commercial equipment such as a
12 utility trailer, lawn equipment or construction equipment, may
13 only be stored or parked on the premises if they are stored
14 inside or in an area not visible and completely concealed
15 from the streets or other property. Commercial vehicles in
16 excess of 10,000 pounds as defined in Article I, Section 3
17 may not be stored or parked on the premises except as
18 specifically provided for in subsequent paragraphs of this
19 section.

20
21 **SECTION IV. APPLICABILITY.** This Ordinance shall be applicable throughout
22 the unincorporated area of Hernando County.

23
24 **SECTION V. SEVERABILITY.** It is declared to be the intent of the Board of
25 County Commissioners that if any section, subsection, clause, sentence, phrase,
26 or provision of this ordinance is for any reason held unconstitutional or invalid,
27 the invalidity thereof shall not affect the validity of the remaining portions of this
28 ordinance.

29
30 **SECTION VI. CONFLICTING PROVISIONS.** Special acts of the Florida
31 Legislature applicable only to unincorporated areas of Hernando County,
32 Hernando County ordinances, County resolutions, or parts thereof, in conflict with
33 this ordinance are hereby superseded by this ordinance to the extent of such
34 conflict except for ordinances concerning either adoption or amendment of the
35 Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.

36
37 **SECTION VII. FILING WITH THE DEPARTMENT OF STATE.** The clerk shall be
38 and is hereby directed forthwith to send a certified copy of this ordinance to the
39 Bureau of Administrative Code, Department of State, R.A. Gray Bldg., Room
40 101, 500 S. Bronough Street, Tallahassee, FL 32399-0250.

41
42 **SECTION VIII. INCLUSION IN CODE.** It is the intention of the Board of County
43 Commissioners of Hernando County, Florida, and it is hereby provided, that the
44 provisions of this Ordinance shall become and be made a part of the Code of

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1 Ordinances of Hernando County, Florida. To this end, any section or subsection
2 of this Ordinance may be renumbered or re-lettered to accomplish such intention,
3 and the word "ordinance" may be changed to "section, "article," or other
4 appropriate designation. Section IV through Section IX shall not be codified.

5
6 **SECTION IX. EFFECTIVE DATE.** This ordinance shall take effect immediately
7 upon filing with the Department of State.
8

9
10 **DULY PASSED AND ADOPTED IN REGULAR SESSION THIS** 23rd
11 **DAY OF** October, 2012

12
13
14 **BOARD OF COUNTY COMMISSIONERS**
15 **HERNANDO COUNTY, FLORIDA**

16
17
18 Attest: Karen Nicodari
19 **KAREN NICODARI, CLERK**

20
21
22 By: Wayne Dukes
23 **WAYNE DUKES, CHAIRMAN**



24 (SEAL)

25 **Approved as to Form and**
26 **Legal Sufficiency**

27 By: Richard Gill



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 30, 2012

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

Attention: Ms. Samantha Haun, Deputy Clerk

Dear Ms. Nicolai:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 24, 2012 and certified copy of Hernando County Ordinance No. 2012-11, which was filed in this office on October 30, 2012.

As requested, the date stamped original is being return for your records.

Sincerely,

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

Liz Cloud
Program Administrator

LC/elr

Enclosure