

ORDINANCE NO: 93-15

FILED  
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SECRETARY OF STATE

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, APPENDIX A, ZONING ORDINANCE, BY AMENDING ARTICLE 1, SECTION 3, TO ADD ADDITIONAL DEFINITIONS; BY AMENDING ARTICLE III, SPECIFIC REGULATIONS, SECTION 3, SPECIFIC USE REGULATIONS BY ADDING SUBSECTION (H) EXCAVATION; BY AMENDING ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 6, AGRICULTURAL ZONING DISTRICT BY ADDING CONDITIONAL USES; AMENDING ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 8, MINING ZONING DISTRICT BY ADDING PERMITTED ACCESSORY STRUCTURES AND USES, CONDITIONAL USES AND AMENDING DIMENSION AND AREA REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. HERNANDO COUNTY CODE OF ORDINANCES, APPENDIX A, ARTICLE I, SECTION 3, PROVIDING FOR DEFINITIONS, IS HEREBY AMENDED BY ADDING A NEW NUMBER (83), (84) and (85) TO READ AS FOLLOWS, AND RENUMBERING SUBSEQUENT ITEMS:

- (83) CONDITIONAL USE: A conditional use is intended to be utilized as a special permit which temporarily allows uses not otherwise permitted by this ordinance. A conditional use is not a matter of right. It is a discretionary approval by the Commission.
- (84) EXCAVATION: The severance of more than ten (10) cubic yards of soil, top soil, fill, fill dirt, sand, or clay.
- (85) MINING, MINING ACTIVITY OR MINING OPERATION:
  - (1) Any activity or process constituting all or part of a process for the severance of sand, clay, unconsolidated or consolidated minerals for the purposes of sale, use as a raw material, or use off-site (This does not include the mining of unconsolidated materials conducted pursuant to County Excavation rules); or,
  - (2) The preparation, crushing, washing, cleaning, screening, processing, flotation or other treatment of solid minerals in association with the severance of an area so as to make them

suitable for commercial industrial or construction use.

- (3) It shall not include plants engaged in processing minerals produced elsewhere or plants engaged in manufacturing or processing as defined by the zoning ordinance or its successor.

**SECTION 2:           HERNANDO COUNTY CODE OF ORDINANCES, APPENDIX A, ARTICLE III, SPECIFIC REGULATIONS, SECTION 3, SPECIFIC USE REGULATIONS, IS HEREBY AMENDED BY ADDING SUBSECTION (H) EXCAVATION TO READ AS FOLLOWS:**

**Section 3. Specific use regulations**

**H.   Excavation:**

1.   Excavations in connection with the following shall not require a conditional use permit or be subject to the terms and conditions of this Section:
  - a.   The implementation of approved construction plans associated with development provided that such excavation takes place within the boundaries of the development in accordance with the approved plans.
  - b.   Agriculture, after review and determination by the County that such excavation will not alter drainage across property boundaries.
  - c.   Prospecting.
  - d.   Construction or building after a building permit has been obtained for the property being excavated upon.
  - e.   Landscaping when the County has determined that no significant erosion or alteration of drainage across property boundaries will result from such excavation.
  - f.   Creation of water bodies provided there are no off-site impacts to drainage and all regulatory permits from the appropriate agencies have been provided to the County.
  - g.   An excavation conducted with a mining operation which has a valid mining approval subject to the "Mining Ordinance of 1993".
2.   Any operator desiring to engage in an excavation operation on forty (40) acres or less, and where the

activity is not specifically exempted by this ordinance, shall make written application to the County for a conditional use permit to be processed in accordance with this ordinance.

3. The application form shall require the applicant submit the following information to the County:
  - a. A legal description of the proposed area for excavation;
  - b. The name, address and phone number of the owner of the land for which application is being made along with evidence of ownership and/or written consent of the owner;
  - c. The name, address and phone number of the person, firm or corporation that will be the mine operator and the designated representative;
  - d. A recent scaled aerial photograph of the property showing the boundary of the proposed area;
  - e. Topographic contours from available mapping;
  - f. Proposed schedules for the excavation activities;
  - g. Estimated depth of the excavation activities;
  - h. Pre- and post- mining conditions;
  - i. A list of property owners within one hundred fifty (150) feet of areas to be excavated. Measurement of the one-hundred and fifty (150) feet shall exclude roads and street right-of-ways;
  - j. A reclamation plan addressing the following:
    - i. Contouring or other suitable land shaping techniques to enhance side slope stabilization and control erosion during reclamation so that adjoining properties are not affected. Slopes shall not exceed 3:1.
    - ii. A revegetation plan to provide twenty (20) percent of the area under permit will be retained or re-established with native vegetation that existed on the site prior to the excavation activity. The distribution of the twenty (20) percent vegetation on the site will be determined during the review of the reclamation plan.
    - iii. If water bodies are created, a littoral zone

shall be established.

- iv. Engineers estimate for cost of reclamation.
  - v. A time schedule and description of the proposed reclamation.
  - k. The applicant must submit all applicable approvals from federal, state, regional and local agencies.
  - l. Other information as may reasonably be required by the County.
4. The Board shall provide the operation with a written release of its reclamation obligations on the approved reclamation areas, and shall release ninety percent (90%) of any security which the operator has posted in accordance with this ordinance. Ten percent (10%) of the security will be retained by the County in order to ensure the viability of the plantings.
5. The land will be inspected by the Department every year for a period of two years after completion of reclamation to determine an eighty percent (80%) survivability of the plantings. If necessary, replantings will be required. At the end of the two year inspection period, a release of the remaining security will be granted provided that the plantings and/or replantings are acceptable to the Department.
6. Setbacks: The following minimum distances from the permittee property line shall be maintained for the identified adjacent property uses:
- a. Residential Subdivisions (lots less than 1 acres), Multi-family, Hospitals, Life Care Centers:
    - Excavation            300 feet
    - Stockpiles            500 feet
    - Processing            500 feet
    - Dikes                    300 feet
  - b. Commercial, Office, Churches, Institutional, Active and Developed Passive Recreation, Agriculture/Residential Subdivision (lots 1 acre and larger):
    - Excavation            300 feet
    - Stockpiles            300 feet

Processing 300 feet

Dikes 200 feet

c. Agriculture, Industrial, Utility, Roads, Forest, Open Space:

Excavation 100 feet

Stockpiles 100 feet

Processing 300 feet

Dikes 100 feet

7. The buffer requirement shall be a minimum of one hundred (100) feet measured perpendicular from the property line.
8. Where required, the buffer shall shield adjoining properties when viewed from the property line. The buffer must shield the operation at the time excavation begins. Shielding shall meet an eighty percent (80%) opacity standard. Berms, towers, stockpiles and other similar items which extend above the buffer need not be shielded. The clearing and stripping of vegetation from the land shall not require the pre-establishment of a buffer.
9. The buffer shall consist of a vegetated screen augmented by a berm if required to obtain opacity. The following conditions apply to the vegetated screening:
  - a. A one hundred (100) foot vegetative screen is standard, except where a berm is necessary. Where a berm is necessary, the outer fifty (50) feet of the buffer must consist of the vegetative screen;
  - b. If trees exist in the vegetative screen area they must remain;
  - c. If sufficient vegetation does not exist, the vegetative screen area shall be planted at spacings and with species to be established by the Department. All plantings shall consist primarily of perennial species native to the area;
  - d. All plantings used in the buffer must be compatible with the soils in the area as specified by the County Forester.
10. The following are requirements for berms where utilized to augment vegetative buffers:
  - a. The berm shall generally run parallel to, and no

closer than 50 feet from, the property line. The above two standards may be modified where there are impeding physical features (wetlands, etc.)

- b. The berm shall be built to the height necessary (not to exceed 10 feet above the natural surface of the ground) to shield the excavation activity (excluding booms, towers, stockpiles or other similar items which extend above the buffer) so that it cannot be viewed through the buffer from adjoining properties when viewed from the property line.
  - c. The berm must be stabilized with the planting of vegetation. Sloping requirements for the exterior face of the berm shall not exceed 2:1.
  - d. Adequate control shall be provided to protect the adjacent properties from additional run-off caused by the earthen berm.
- 11. The hours of operation for an excavation operation shall be 7 a.m. to 6 p.m.
  - 12. The applicant shall submit a plan for the control of fugitive dust.
  - 13. A conditional use permit for excavation will be valid for a maximum period of five (5) years. Conditional use permits may be renewed upon reapplication.
  - 14. The applicants shall post sign(s) supplied by the County on the proposed conditional use site at least ten (10) days in advance of the hearing.

In cases where the property has frontage on a road, the sign(s) furnished by the county shall be posted by the applicant at each corner of the property 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 county. In cases where the property does not have frontage on a road, the sign cards shall be posted at each of the property corners, and where the access road intersects with the nearest county road.

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 prior to the public hearing. The county shall make affidavit forms available for use by the applicant.

- 15. The county shall mail a notice giving the time, place,

and purpose of the meeting to each property owner within one hundred fifty (150) feet of the parcel covered by the application. Measurement of the one hundred and fifty (150) feet shall exclude roads and street right-of-ways. The notice shall be mailed at least ten (10) days prior to the scheduled meeting dates.

16. The petitioner shall be responsible for all costs incurred in the notice procedure.

**SECTION 3:           HERNANDO COUNTY CODE OF ORDINANCES, APPENDIX A, ARTICLE IV, SECTION 6. AGRICULTURAL DISTRICT, IS HEREBY AMENDED TO READ AS FOLLOWS:**

**Section 6. Agricultural District.**

**A.    PERMITTED USES:**

The following permitted uses shall apply in all agricultural districts:

1.    Animal specialty farms
2.    Farming
3.    Farming service establishments
4.    Fisheries
5.    Forestry
6.    Forestry service establishments
7.    Horticultural specialty farms
8.    Hunting, trapping and game propagation
9.    Landscaping service establishment
10.   Single-family dwelling
11.   Mobile homes provided that such mobile homes meet all of the regulations, requirements and provisions of this ordinance for single-family dwellings within the zoning district.
12.   Commercial billboard advertising signs in accordance with all Federal and State Regulations.

**B.    PERMITTED ACCESSORY STRUCTURES AND USES:**

The following permitted accessory structures and uses shall apply in all agricultural districts:

1. Agriculture buildings or structures accessory to the principal permitted use of the premises
2. Single-family dwellings for the owner and accessory to the principal permitted use of the premises
3. Carport, garage or other buildings not used as a dwelling and customarily incidental to the principal permitted use of the premises
4. Accessory uses customarily incidental to the principal permitted use of the premises
5. Signs identifying the name and type of permitted agricultural activity conducted on the same premises

C. SPECIAL EXCEPTION USES:

In all agricultural districts the following are special exception uses that may be approved and may be subject to other ordinance provisions:

1. Retail sales on the premises of permitted agricultural products and services produced on the premises; provided, that where such products or services are sold from a roadside stand, such stand shall be set back from any public street right-of-way at least seventy-five (75) feet and shall be provided with automobile access and off-street parking space in such a manner so as to not create an undue traffic hazard on the street on which such roadside stand is located.
2. Paint Ball Ranges
3. Boat, canoe, motorcycle, bicycle and off-road vehicle rental establishments where rental items are used on the premises.
4. Commercial fishing ponds
5. Home occupations
6. Dude Ranches
7. Commercial riding stables
8. Private Airstrips
9. Other similar uses as approved by the Planning and Zoning Commission.

D. CONDITIONAL USES:

In addition to those conditional uses permitted in all zoning



districts of this Ordinance, the following conditional use shall be permitted in the agricultural district:

1. Excavation on forty (40) acres of land or less

E. SPECIAL REGULATIONS:

1. No odor or dust producing substance or use, except in connection with cultivation of permitted uses, shall be permitted within one hundred (100) feet of a property line if the adjoining property is being used for residential purposes.
2. No products shall be publicly displayed or offered for sale from the roadside unless approved as a special exception use.

F. DIMENSION AND AREA REGULATIONS:

Dimension and area regulations for lots and structures in Agricultural Districts are as follows:

1. Single-family dwelling not accessory to the principal agricultural use of the premises:
  - a. Building height: The maximum building height shall not exceed forty-five (45) feet.
  - b. Lot widths: The minimum lot width of the building line shall be one hundred fifty (150) feet. Lots on curves shall have a minimum street frontage of fifty (50) feet.
  - c. Front yard: The minimum front yard requirement in agricultural districts shall be seventy-five (75) 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.
  - d. Rear yard: The minimum rear yard shall be fifty (50) feet.
  - e. Side yard: The minimum side yard shall be thirty-five (35) feet.
  - f. Lot area: The minimum lot area shall be two-and-one-half (2 1/2) acres.
  - g. Lot frontage: All lots shall front on a street for a minimum distance of one hundred (100) feet except that lots which front on the turnarounds of permanent dead-end streets shall be permitted to front on such turnarounds for a minimum distance of

fifty (50) feet.

- h. Minimum living area: The minimum living area of a dwelling shall be six hundred (600) square feet. For the purposes of this subsection, "minimum living area" shall mean the minimum floor area of a dwelling unit exclusive of carports, breezeways, unenclosed porches, or terraces. In accordance with the provisions of this subsection, the minimum living or floor area of a mobile home will be six hundred (600) square feet exclusive of all attachments, and no mobile home shall be permitted to be attached or detached in a manner that would be inconsistent with the original manufacturer's design standards. No mobile home shall have a length or width dimension less than twelve (12) feet, not including pop-outs and attachments. All mobile homes must be skirted as part of the placement construction and the skirting must be completed prior to the issuance of the certificate of occupancy. The skirting shall constitute a visual screen of new material, or material in acceptable condition, consisting of aluminum, pressure treated wood, masonry, or other acceptable material normally used for mobile home skirting and be placed around the entire perimeter of the mobile home and extending from the base of the mobile home to the ground.

Applicants applying for a building permit to place a used mobile home shall either provide proof of a current and valid inspection by the Department of Motor Vehicles or be inspected by the Hernando County Development Department prior to the issuance of a building permit to set the mobile home. The inspection will be conducted by the Building Division and is designed to protect the public health, safety and welfare. The inspection will be conducted in areas of fire safety, electrical, plumbing, mechanical, and overall construction of the mobile home.

If the inspection of the mobile home determines that the unit is not repairable, no building permit shall be issued.

No applicant applying to place a mobile home shall perform any repair work or commence set-up of the mobile home until a building permit has been secured.

Any deficiencies noted in the inspection report shall be corrected prior to the issuance of a certificate of occupancy.

Standards for used mobile home inspections will be adopted by resolution of the Hernando County Board of County Commissioners, and will be consistent with State standards regulating used mobile homes.

2. Single-family dwellings accessory to the principal permitted agricultural use of the premises:
  - a. Building height: The maximum building height shall not exceed forty-five (45) feet.
  - b. Building setback: The minimum front yard requirement shall be seventy-five (75) 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.
3. Accessory buildings directly or indirectly associated with the principal permitted agricultural use of the premises:
  - a. Building height: The maximum building height shall not exceed forty-five (45) feet.
  - b. 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.
  - c. Location: All accessory building shall be located in the side or rear yards if a single-family dwelling is on or to be on the premises and no nearer than fifteen (15) feet to such dwelling.

**SECTION 4: HERNANDO COUNTY CODE OF ORDINANCES, APPENDIX A, ARTICLE IV, SECTION 8. MINING DISTRICT, IS HEREBY AMENDED TO READ AS FOLLOWS:**

**Section 8. M Mining District.**

This district is designed to promote and protect the conservation and extraction of natural resources in the general areas where they are found.

**A. PERMITTED USES:**

1. Mining
2. Animal specialty farms
3. Farming

4. Fisheries
5. Forestry
6. Horticultural specialty farms
7. Hunting, trapping and game propagation

B. PERMITTED ACCESSORY STRUCTURES AND USES:

1. Agriculture buildings and structures, including a residence, which are accessory to the principal permitted agricultural use of the premises;
2. Accessory uses customarily incidental to the principal permitted use of the premises;
3. Single family dwellings for the purposes of a caretaker.
4. Signs identifying the name and type of permitted principle use of the property.

C. SPECIAL EXCEPTION USES:

1. Light research, development and testing establishments normally associated with mining activities.

D. CONDITIONAL USES:

In addition to those conditional uses permitted in all zoning districts of this Ordinance, the following conditional use shall be permitted in the mining district:

1. Excavation on forty (40) acres of land or less

E. DIMENSIONS AND AREA REGULATIONS:

1. The minimum yard requirement for buildings for all yards in the Mining District shall be seventy-five (75) 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 requirements shall be one hundred twenty-five (125) feet.

2. The maximum building height in mining 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 required setback for each additional foot of building height over forty-five (45) feet.
3. The minimum development standards for mining operations shall be in accordance with the performance standards contained in the "Hernando County Mining Ordinance of

1993".

4. Required land area:

- a. No mining district shall be created on less than twenty (20) acres or eight hundred seventy-one thousand two hundred (871,200) square feet. However, when a mining zoning district has been established, parcels smaller than twenty (20) acres may be added to the district by means of zoning amendment petition, pursuant to Article VI of this Ordinance.

**SECTION 5. 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 be not affected thereby.

**SECTION 6. INCLUSION INTO THE CODE**

The provisions of this ordinance shall be included and incorporated into the Land Development Regulations (LDR's) of Hernando County as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the code.

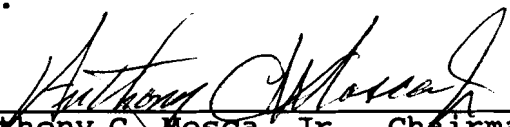
**SECTION 7. EFFECTIVE DATE**

The effective date of this ordinance shall become official upon recording of the official acknowledgement 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 29th day of June, 1993.

Board of County Commissioners  
Hernando County, FL

By:

  
\_\_\_\_\_  
Anthony C. Mosca, Jr., Chairman  
Board of County Commissioners

Attest:

  
\_\_\_\_\_  
Karen Nicolai,  
Clerk of the Circuit Court

