

ORDINANCE NO. 87-18

AN ORDINANCE AMENDING THE HERNANDO COUNTY ORDINANCE 72-3; KNOWN AS THE HERNANDO COUNTY LAND USE REGULATIONS BY DEFINING RESORT DWELLING; CREATING A NEW ZONING DISTRICT (R-R) FOR RESORT DWELLINGS; PROVIDING FOR PERMITTED USES IN R-R DISTRICTS; PROVIDING FOR SPECIAL EXCEPTION USES IN R-R DISTRICTS; PROVIDING REQUIREMENTS FOR MINIMUM LOT SIZE, MINIMUM LOT WIDTH AT BUILDING LINE, MAXIMUM BUILDING AREA AND MAXIMUM HEIGHT FOR RESORT DWELLING; CREATION OF A SUBSECTION FOR SPECIAL REGULATIONS FOR R-R DISTRICTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECRETARY OF STATE

Jan 1 4 25 1987

Filed

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

SECTION 1. Hernando County Ordinance No. 72-3, Article I, Section 3, is hereby amended adding a definition which reads as follows:

"79. DWELLING, RESORT: A single family, multi-family, or townhouse dwelling which is leased or purchased, offered for lease or purchase or advertised for lease or purchase on a daily, weekly, monthly, or seasonal basis for tourist or resort useage. The following, either singularly or in combination with others, shall create a presumption of a useage as a resort dwelling:

A. When in combination with either subsection B, C, D or E below, the leasing or purchase of a dwelling for periods of three (3) months or less for two (2) or more times during a calendar year;

B. The offering for lease or purchase of a dwelling for a daily, weekly, monthly or seasonal basis;

C. The advertising for lease or purchase of a dwelling for a daily, weekly, monthly or seasonal basis;

D. The leasing or purchasing of a dwelling for daily, weekly, monthly or seasonal periods as a commercial enterprise involving centralized management, the conducting of a reservations system and/or the providing of maid or laundry services;

E. The leasing or purchasing of a dwelling for daily, weekly, monthly or seasonal useage by more than a single family."

SECTION 2. Hernando County Ordinance NO. 72-3, Article IV, Section 1, Subsection A, is hereby amended by the addition of a zoning district which reads as follows:

"16. R-R Resort-Residential District: This district is designed primarily to permit the use of residential structures for time sharing or interval leasing of residences for resort or tourist useage on a daily, weekly, monthly or seasonal basis."

SECTION 3. Hernando County Ordinance No. 72-3, Article IV, Section 2, Subsection A, is hereby amended by the addition of permitted uses in R-R districts and reads as follows:

- "6. R-R Residential District
- a. Resort dwellings
 - b. Single family dwellings
 - c. Two family dwellings
 - d. Multi-family dwellings up to twelve units"

SECTION 4. Hernando County Ordinance No. 72-3, Article IV, Section 2, Subsection C, is hereby amended by the addition of Special Exception Uses in R-R districts and reads as follows:

- "4. R-R Residential District
- a. Community centers
 - b. Clubhouses
 - c. Gift shops
 - d. Recreational facilities

e. Rental stores

f. Restaurants"

SECTION 5. Hernando County Ordinance No. 72-3, Article IV, Section 2, Subsection D, Paragraph 1, Subparagraph e, is hereby amended by including R-R districts with R-2 districts for the minimum lot area requirement and reads as follows:

"e. R-2 and R-R Districts:"

SECTION 6. Hernando County Ordinance No. 72-3, Article IV, Section 2, Subsection D, Paragraph 2, Subparagraph f. is hereby amended by including R-R districts with R-3 districts for the minimum lot width at building line requirement and reads as follows:

"f. R-3 and R-R Districts:"

SECTION 7. Hernando County Ordinance No. 72-3, Article IV, Section 2, Subsection D, Paragraphs 8 and 9 are hereby amended by including R-R districts and reads as follows:

"8. Maximum building area

In all residential districts, except for R-3 and R-R, the maximum building area of a dwelling shall be 35% of the lot area. In R-3 and R-R districts the maximum building area of a dwelling shall be 45% of the lot area.

9. Maximum building height

In all residential districts, except for R-3 and R-R, the maximum building height of a building is 35 feet, and/or 2 1/2 stories. In R-3 and R-R districts, the maximum building height is 45 feet and/or 3 stories. No building shall exceed three (3) stories, or forty-five (45) feet in R-3 districts unless one foot shall be added to the required front and side yards for each foot of

building height over forty-five (45) feet in addition to the general yard requirements for zoning district."

SECTION 8. Hernando County Ordinance No. 72-3, Article IV, Section 2, is hereby amended by the creation of a subsection for special regulation for R-R districts and reads as follows:

"E. SPECIAL REGULATIONS:

To reduce conflicts with existing or future residential districts and resort residential districts, the following regulations shall apply:

1. All structures in R-R districts shall be on a central sewer system.

2. There shall be no access points from an R-R district to an adjacent residential district.

3. R-R districts shall provide and maintain a minimum setback for all structures of 35 feet for side and rear yards that are adjacent to a residential district. The outer most portion of the required 35 foot setback bordering the parcel adjacent to the residential district shall consist of a five (5) foot landscaped separation strip. The resort useage of such a lot shall be permanently screened from the adjacent residential properties by a wall, fence, evergreen hedge and/or other approved enclosures. Such screening shall be located within the required separation strip and shall have a minimum height of five (5) feet and a maximum height of eight (8) feet.

4. The operation of a resort dwelling in addition to being located in an R-R district is further defined as a commercial operation wherein the owner, or any agent or manager acting on behalf of the owner is required to obtain an occupational license within Hernando County. Any use of property prior to the effective date of this ordinance as a resort dwelling constitutes a commercial use of property and any such use within a non-commercial zoning district constitutes a zoning violation."

SECTION 9. It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION 10. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

SECTION 11. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 12. This Ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this Ordinance has been filed with said office.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 26th day of May, 1987.

(SEAL)

Attest:

Harold William Brown
Clerk

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.

By:

Leonard F. Tria Jr.
Chairman