

City of Hernando Zoning Ordinance



Recommended for Adoption by the Planning Commission on
April 08, 2008, Approved by MBO August 19, 2008

Office of Planning
475 West Commerce Street
Mississippi 38632
662-429-9092
www.cityofhernando.org

AN ORDINANCE ADOPTING ZONING REGULATIONS, ZONING MAP, AND SUBDIVISION REGULATIONS, BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF HERNANDO, DESOTO COUNTY, STATE OF MISSISSIPPI, AS PROVIDED UNDER MISSISSIPPI CODE OF 1972, ANNOTATED, SECTION 21-19-25, AND BASED UPON THE General Development PLAN COMPLETED BY THE CITY IN 2007.

The Mayor and Board of Aldermen of the City of Hernando, County of DeSoto, State of Mississippi, adopted the Zoning Ordinance, Zoning Map, Design Standards and Subdivision Regulations, and Hernando Planning Commission, and the public hearings held over the three year period, and notice of adoption thereof is given as provided by Mississippi Code of 1972, Annotated,

Comprehensive amendments were implemented based upon the 2007 Hernando General Development Plan and became effective on July 17, 2007.

ZONING ORDINANCE

FOR THE

CITY OF HERNANDO

DESOTO COUNTY

MISSISSIPPI

ZONING ORDINANCE

1.	ARTICLE I. BASIC PROVISIONS	6
2.	ARTICLE II. DEFINITIONS	8
3.	ARTICLE III DISTRICTS AND BOUNDARIES	18
4.	ARTICLE IV COMPLIANCE WITH REGULATIONS	21
5.	ARTICLE V AGRICULTURAL DISTRICTS	22
	a. "A" AGRICULTURAL DISTRICT	22
	b. "AR" AGRICULTURAL-RESIDENTIAL DISTRICT	28
6.	ARTICLE VI RESIDENTIAL DISTRICTS	31
	b. "R-40" RESIDENTIAL SINGLE-FAMILY DISTRICT (LOW DENSITY)	31
	c. "R-30" RESIDENTIAL SINGLE-FAMILY DISTRICT (LOW DENSITY)	33
	d. "R-20" RESIDENTIAL SINGLE-FAMILY DISTRICT (LOW DENSITY)	35
	e. "R-15" RESIDENTIAL SINGLE-FAMILY DISTRICT (LOW DENSITY)	37
	f. "R-12" RESIDENTIAL SINGLE-FAMILY DISTRICT (MEDIUM DENSITY)	38
	g. "R-10" RESIDENTIAL SINGLE-FAMILY DISTRICT (MEDIUM DENSITY)	40
	h. "R-8" RESIDENTIAL SINGLE-FAMILY DISTRICT (MEDIUM DENSITY)	42
	i. "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT (MEDIUM DENSITY)	45
	l. "RM-6" RESIDENTIAL MULTIPLE-FAMILY DISTRICT (HIGH DENSITY)	52
7.	ARTICLE VII COMMERCIAL DISTRICTS	62
	a. "C-1" NEIGHBORHOOD COMMERCIAL DISTRICT	62
	b. "C-2" HIGHWAY COMMERCIAL DISTRICT	64
	c. "C-3" GENERAL COMMERCIAL DISTRICT	67
8.	ARTICLE VIII INDUSTRIAL DISTRICTS	72
	a. "M-1" LIGHT INDUSTRIAL DISTRICT	72
	b. "M-2" HEAVY INDUSTRIAL DISTRICT	74
	ARTICLE IX PLANNED AND OVERLAY DISTRICTS	81

c.	"C-4" PLANNED COMMERCIAL DISTRICT	81
d.	"P-B" PLANNED BUSINESS DISTRICT	86
e.	"P-O" PLANNED <u>CORPORATE</u> OFFICE DISTRICT	92
g.	THE "EO" ENVIRONMENTAL OVERLAY DISTRICT	104
9.	ARTICLE X BUFFERYARD REQUIREMENTS	140
10.	ARTICLE XI SIGN REGULATIONS	151
11.	ARTICLE XII ACCESSORY BUILDINGS AND USES	161
12.	ARTICLE XIII NONCONFORMING USES	163
13.	ARTICLE XIV CONDITIONAL USES	165
14.	ARTICLE XV REQUIRED OFF-STREET PARKING AND LOADING	166
15.	ARTICLE XVI THE PLANNING COMMISSION	168
16.	ARTICLE XVII ADMINISTRATION	170
17.	ARTICLE XVIII AMENDMENTS	172
18.	ARTICLE XIX SAVING CLAUSE	174
19.	ARTICLE XX REPEAL OF PRIOR ORDINANCE	175
20.	ARTICLE XXI EFFECTIVE DATE	176

1. ARTICLE I. BASIC PROVISIONS

This ordinance shall be known and may be cited and referred to as the City of Hernando Zoning Ordinance.

a. Jurisdiction

The provisions of this chapter shall be applicable to all property within the incorporated limits of the City of Hernando, Mississippi, as provided by Section 17- 1-3 of State of Mississippi Code.

b. Purpose - The purposes of this chapter are to:

- i. Serve the public health, safety, and general welfare of the City and its jurisdiction.
- ii. Classify property in a manner that reflects its suitability for specific uses.
- iii. Promote sound, attractive development within the City while also conserving the values of the property throughout the City.
- iv. Encourage compatibility of adjacent land uses.
- v. Encourage innovative project design in the City.
- vi. Protect environmentally sensitive areas.
- vii. Further the goals and policies of the General Development Plan for Hernando, Mississippi, 2007.

c. Consistency with the General Development Plan

It is the intent of the City that this ordinance be consistent with the City's General Development Plan. It is further the intent of the City that all amendments to this ordinance shall also be consistent with the General Development Plan. Should this ordinance become inconsistent with the General Development Plan because of amendments to that Plan, it is the intent of the City that this ordinance be amended within a reasonable time to bring it into conformance with such Plan.

d. Comprehensive Review Provisions

The text of this ordinance shall be comprehensively reviewed by the planning department every five (5) years after its effective date. This review shall include, but not be limited to, consistency with the General Development plan, and applicability to current land use and development techniques.

The planning department shall forward recommendations for text amendments to this ordinance to the Planning Commission for public hearing. Proposed amendments and the recommendations of the planning director and Planning Commission shall be transmitted to the Mayor and Board of Aldermen.

e. Conflicting Provisions

This ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare. If any provision of this ordinance conflicts with any other provision of this ordinance, and other section of this Code, or any applicable state or federal law, the more restrictive provision shall apply.

f. Relief From Other Provisions

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any zoning ordinance previously in effect or any other local state or federal ordinance or statute.

g. Severability of Provisions

If any section, subsection, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance.

2. ARTICLE II. DEFINITIONS

a. WORD USAGE

For the purpose of this ordinance certain terms and words are hereby defined:

- i. Words used in the present tense shall include the future tense.
- ii. Words in the singular number include the plural number, and words in the plural number include the singular number.
- iii. The word "building" shall include the words "structure" and "premises".
- iv. The word "shall" is mandatory.
- v. The word "may" is permissive.
- vi. The word "person" includes a firm, organization, association, partnership, trust, company, or corporation as well as an individual.
- vii. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or "occupied".
- viii. The word "lot" includes the words "plot", "tract", or "parcel".

b. DEFINITIONS

- i. **ACCESSORY BUILDING:** A subordinate building which is incidental to and customary in connection with the principal building or use and located on the same lot.
- ii. **ACCESSORY USE:** A subordinate use which is incidental to and customary in connection with the principal building or use and located on the same lot.
- iii. **APARTMENT HOUSE:** Same as Dwelling, Multiple.
- iv. **BUILDING LINE:** That line, between which and the street right-of-way line, no building or part thereof, may be erected, except as provided in these regulations.
- v. **BUILDING OFFICIAL:** The individual designated by the City of Hernando to administer and enforce the regulations of the building code and certain provisions of this Zoning Ordinance.
- vi. **BASEMENT:** A story having one-half or more of its height below grade.
- vii. **BOARDING HOUSE:** Same as Rooming house.
- viii. **BUILDING:** Any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicle, trailer (with or without

- ix. wheels) nor any movable device, such as furniture, machinery, or equipment.
BUILDING, HEIGHT OF: The vertical distance from the grade (as defined herein) to the highest point of the coping of a flat roof, or to the top deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.
- x. CELLAR: Same as Basement.
- xi. CHURCH: A building used principally for religious worship, but the word church shall not include or mean an undertakers chapel, funeral building, religious educational institution or parochial school or day care center.
- xii. CLINIC: A facility wherein professional services concerning personal health of humans are administered by medical doctors, dentists, chiropractors, osteopaths, optometrists, or any other such profession which may lawfully be practiced in the State of Mississippi. Persons therein shall not be lodged overnight.
- xiii. CLUSTER DEVELOPMENT: A development pattern for residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space,
- xiv. COMMISSION: The Planning Commission of City of Hernando, Mississippi.
- xv. General Development Plan: Hernando 2027 General Development Plan for City of Hernando Mississippi..
- xvi. CONDITIONAL USE: A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as conditional uses, if specific provisions for such conditional use is made in this zoning ordinance.
- xvii. CONDOMINIUM: The ownership of single units in a multi-unit structure with common areas and facilities.
- xviii. COUNTRY STORE: A Neighborhood type retail service establishment or general store and filling station.
- xix. DAY CARE CENTER: A place which provides shelter and personal care on a regular basis for six or more children who are not related within the third degree computed according to civil law to the operator, for four or more hours of any part of twenty-four hour day, whether such place be organized or operated for profit or not. The term "day care center" includes child care facility, kindergarten, nurseries or any other facility that falls within the scope of the definitions set forth above, regardless of auspices.
- xx. DENSITY: The number of dwelling units per acre of gross land area.
- xxi. DISTRICT: A section or sections of City of Hernando for which the

regulations governing the use of buildings and premises or the height and area of buildings are uniform.

- xxii. DWELLING: Any building or portion thereof designed or used as the residence of one (1) or more persons, but not including a tent, cabin, travel trailer, or a room in a hotel, motel or boarding house.
- xxiii. DWELLING, SINGLE FAMILY ATTACHED: A dwelling designed for and occupied by not more than one family having a wall in common with one other dwelling unit but located on a separate lot.
- xxiv. DWELLING, SINGLE FAMILY DETACHED: A dwelling designed for and occupied by not more than one family which does not have any roof wall or floor in common with any other dwelling unit.
- xxv. DWELLING, TWO FAMILY: A building designed for or occupied exclusively by two families living independently of each other, and being located on a single lot.
- xxvi. DWELLING, MANUFACTURED HOME: A factory-built, single-family structure that is manufactured under the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. It must be permanently connected to utilities, and used for year-round occupancy. It may consist of two or more components that can be separated when transported but designed to be joined into one integral unit.
- xxvii. DWELLING, MOBILE HOME: A dwelling, constructed prior to June 15, 1976, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. A mobile home by this definition does not qualify as a manufactured housing unit. Mobile homes are not permitted in the City of Hernando.
- xxviii. DWELLING, MULTIPLE FAMILY: A building designed or occupied by more than two families living independently of each other.
- xxix. DWELLING UNIT: One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sleeping and bathroom facilities.
- xxx. FAMILY: One or more individuals occupying a dwelling unit and living as a single household unit but not exceeding four unrelated persons.
- xxxi. FARM: An area of more than 10 acres located outside a recorded

subdivision which is used for the growing of the usual farm products such as vegetables, fruit, trees, hay, cotton, and grain, and their storage on the area, as well as the raising thereon of the usual farm poultry and farm animals, such as horses, mules, cattle, sheep, and swine, and including dairy farms. The term "farming" includes the operating of such an area for one or more of the above uses with the necessary accessory uses for treating or storing the produce provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the extraction of minerals, the feeding of collected garbage or offal to swine or other animals or intensive livestock raising, such as commercial feed lots, large batteries of rabbit hutches, or poultry lots or coops.

- xxxii. **FARM BUILDING OR STRUCTURE:** Any building or structure upon a farm having no dwelling facilities and constituting a necessary accessory building or structure for treating, processing, storing, and assembling of farm produce or products associated with farm production, and/or the storage and maintenance of tools and/or implements involved in normal farming activities conducted on the farm.
- xxxiii. **FILLING STATION OR SERVICE STATION:** Any building or premises where the principal use is for the retail sale of motor vehicle fuels, oils, or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacement of motors or other major parts, bodies, or fenders of motor vehicles, or painting motor vehicles. The term does not include public garages.
- xxxiv. **FINANCIAL INSTITUTION OR FINANCIAL SERVICES ESTABLISHMENT:** An establishment that is engaged in the business of a bank, savings and loan association, or credit union that is regulated by state or federal authority. Such establishment includes, without limitation, an office building or portion thereof devoted to such use, a drive-up facility, and a facility containing one or more automated teller machines.
- xxxv. **FLEA MARKET:** Market held in an open area or structure where groups of individual sellers offer goods for sale to the public.
- xxxvi. **FLOOR AREA:** The total number of square feet of floor space within the exterior walls of a building, not including unheated space in cellars or basements; however, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.
- xxxvii. **FLOOD HAZARD BOUNDARY MAP:** An official map or plot of an area, issued or approved by the Federal Insurance Administrator, on which the boundaries of the flood-prone areas having special hazards have been drawn.
- xxxviii. **FLOOD, 100-YEAR:** The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e.

- that has one (1) percent chance of occurring each year).
- xxxix. FLOODWAY: The channel of a watercourse and portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the floodwater of any natural stream or river.
 - xl. GARAGE, PRIVATE: An accessory building or an accessory portion of the principal building, including a carport, which is intended for and used for storing the privately owned motor vehicles, boats, and trailers of the family or families resident upon the premises, and in which no business, service or industry is carried on.
 - xli. GARAGE, PUBLIC: Any building or premises, except those used as private or storage garages, used for equipping, repairing, hiring, selling, or storing motor-driven vehicles. The term repairing shall not include the rebuilding, dismantling, or storage of wrecked or junked vehicles.
 - xlii. GARAGE, STORAGE: Any building or premises, used for housing only motor-driven vehicles, other than trucks and commercial vehicles, pursuant to previous arrangements for storage and not open to transients, and at which automobile fuels and oils are not sold and motor driven vehicles are not equipped, repaired, hired, or sold.
 - xliii. City of Hernando: The Mayor and Board of Aldermen for the City of Hernando.
 - xliv. GRADE: The average level of the finished surface of the ground adjacent to the exterior walls of the building, except when any wall approximately parallels and is not more than five feet from a road line, then the elevation of the road at the center of the wall adjoining the road shall be the grade.
 - xlv. HOME OCCUPATION: An occupation conducted in a dwelling unit.
 - xlvi. HOMEOWNERS ASSOCIATION: A community association which is organized in a development in which individual owners share common interests in common property such as open space or facilities, manages and maintains the common property, and enforces certain covenants and restrictions.
 - xlvii. HOTEL: A building in which overnight lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction, to a boarding house or lodging house as herein defined.
 - xlviii. INSTITUTION: A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
 - xlix. JUNK YARD: A parcel of land upon which the principal or accessory use is the accumulation of used, discarded, or worn out materials, or manufactured products, any of which may or may not be reusable or salable.
 - l. JUNK CAR: Any motor vehicle which does not have a current inspection sticker or is obviously in such condition as to be considered inoperable.
 - li. KENNEL: An establishment where dogs or other pets are boarded for compensation or bred or raised on a commercial scale.

- lii. **LOADING SPACE:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.
- liii. **LODGING HOUSE:** Same as Rooming house.
- liv. **LOT:** For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public right-of-way, public road, public street or approved private driveway, and shall consist of a single lot of record or a portion of a lot of record.
- lv. **LOT, AREA:** The total area within the lot lines of a lot including land area within easements and excluding any street rights-of-way.
- lvi. **LOT FRONTAGE:** The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and double frontage lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated in this ordinance.
- lvii. **LOT, CORNER:** A lot abutting upon two or more streets or roads at their intersection.
- lviii. **LOT, DEPTH OF:** The mean horizontal distance between the front and rear lot lines.
- lix. **LOT, DOUBLE FRONTAGE:** A lot having frontage on two non-intersecting roads, as distinguished from a corner lot.
- lx. **LOT LINES:** The property lines bounding the lot.
- lxi. **LOT LINE, FRONT:** The property line separating the lot from a street right-of-way. In the case of a corner lot each line separating such lot from the street shall be considered a front lot line.
- lxii. **LOT LINE, REAR:** The lot line opposite and most distant from the front lot line of the lot. In the case of a corner lot the line opposite the front of the house shall be considered the rear lot line.
- lxiii. **LOT LINE, SIDE:** Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is considered a front lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.
- lxiv. **LOT OF RECORD:** A lot or parcel of land, the deed or plat of which has been recorded in the office of the Chancery Clerk of DeSoto County, in compliance with all regulations and ordinances of City of Hernando at the time of its recording.
- lxv. **LOT WIDTH:** The width of a lot at the building line. Buildable width is the width of lot left to be built upon after the side yards are provided.
- lxvi. **LOUNGE, BAR OR TAVERN:** A business which serves liquor, beer, or wine to be consumed on the premises without a meal and which may also

- provide entertainment in the form of live or recorded music, bands, singers, piano players, dancing, floor shows and the like
- lxvii. **MANUFACTURED HOME PARK:** A single lot area where two or more manufactured homes can be or are intended to be parked, designed, or intended to be used as living facilities for two or more families.
 - lxviii. **MODULAR HOME (PANELIZED HOME):** A home constructed to factory-produced components, including wall panels of open or closed construction and not involving a permanent or temporary steel chassis. Open wall panels are wall sections containing exterior sheathing only, with necessary plumbing, electrical, heating, air conditioning, insulation, and interior sheathing installed at the building site. Closed wall panels are shipped from the factory as complete wall units containing necessary electrical, plumbing, heating, air conditioning, insulation, interior, and exterior sheathing installed and connected at the site. All service systems and connections as well as construction must comply with all local and state codes and ordinances.
 - lxix. **MOTEL, MOTOR COURT, MOTOR LODGE, OR TOURIST COURT:** Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designated, used or intended wholly or in part for the accommodation of overnight lodging of automobile transients.
 - lxx. **NON-CONFORMING USE:** Any building or land lawfully occupied by a use at the time of passage of this ordinance or amendment thereto which does not conform after the passage of this ordinance or amendment thereto with the use regulations or dimension regulations of the district in which it is situated. Uses established after the passage of this ordinance which are in violation of this ordinance are illegal uses and shall not be given the status of nonconforming uses.
 - lxxi. **NURSING HOME:** A home for the aged or infirmed, in which three or more persons not of the immediate family are received, kept, or provided with food and shelter or care, for compensation, but not including hospitals, clinics, or similar institutions.
 - lxxii. **PARKING SPACE:** An area enclosed, intended for the purpose of storing one automobile and which shall be not less than nine feet wide and 20 feet long.
 - lxxiii. **PATTERN BOOK:** A building guide that illustrates key components of building design such as the shape of windows and doors, roof pitches, eave details, column details, dormer details, and types of porches that are appropriate for that style.
 - lxxiv. **PATIO:** An uncovered area, improved with concrete, brick, or other hard surface, adjacent to a dwelling and used by occupants of the dwelling for leisure time activities but not used for vehicle parking or storage.
 - lxxv. **PUBLIC SERVICE FACILITY:** Any facility necessary with the operation

and/or maintenance of a local governmental unit or a public utility as defined by the laws of the State of Mississippi.

- lxxvi. PREMISES: A lot, together with all buildings and structures thereon.
- lxxvii. PREFABRICATED BUILDING: A substantially completed permanent structure of which the structural or sub-assemblies are constructed off site, transported to the site and erected on a permanent foundation.
- lxxviii. RESTAURANT: An establishment where complete meals are prepared, served and where beverages are customarily served to be consumed with the meal. These activities are primarily within the principal building.
- lxxix. RESTAURANT, CARRY OUT: An establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared ready-to-eat foods intended primarily to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or not encouraged.
- lxxx. RESTAURANT, DRIVE-IN: An establishment where food is sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building, often in a motor vehicle on the site.
- lxxxi. RETAIL-SERVICE TRUCK ROUTE CENTER: An establishment engaged in transporting goods to other business enterprises, including parking and repair of vehicles used in providing such service.
- lxxxii. ROADSIDE STAND: A temporary structure with a floor area of not more than 400 square feet, enclosed, or partially enclosed, and so designed and constructed that the structure is easily portable.
- lxxxiii. ROOMING HOUSE: A building or place where lodging is provided (or which is equipped regularly to provide lodging by pre-arrangement for definite periods), for compensation, for five or more, but not exceeding 12 individuals, not open to transient guests, in contra-distinction to hotels open to transients including group houses and halfway houses.
- lxxxiv. SHOPPING CENTER: A group of commercial establishments, planned, developed, owned, and managed as a unit, with off street parking provided on the property.
- lxxxv. SHORT-TERM LOAN ESTABLISHMENTS: A business engaged in providing short-term loans to members of the general public as an element of its operation and which is not licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union. Short-Term Loan Establishments shall include businesses offering title loans, payday loans, signature loans, small loans, pawnshops, and other similar businesses.
- lxxxvi. SIGNS: (See Sign Regulation Definitions)
- lxxxvii. STORY: That portion of a building, other than a basement or cellar, included between the surface of any floor and surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

- lxxxviii. STORY, HALF: A space under a sloping roof or in a basement in which not more than 60 per cent of the floor area is finished off for use.
- lxxxix. STREET OR HIGHWAY: A public right-of-way which affords the principal means of access to abutting property.
- xc. STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.
- xci. STRUCTURAL ALTERATION: Any change except those required by law, that would alter the life of the supporting members of a building or structure, such as the bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other resolutions.
- xcii. TERRACE: Same as Patio.
- xciii. TOWN HOUSE: A single-family dwelling forming one of a group or series of three or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement or cellar to roof, and having roofs which may extend from one of the dwelling units to another.
- xciv. TRAVEL PARK: A lot or parcel of land upon which five or more spaces are occupied or intended for occupancy by recreational vehicles designed for travel, recreation, and vacation uses.
- xcv. UTILITY SUBSTATION: A facility containing high voltage electrical equipment, transformers or specialized transmission facilities for gas, water, sewer or other public utilities enclosed in a single area and connected to a transmission network
- xcvi. VARIANCE: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.
- xcvii. WIRELESS COMMUNICATION FACILITIES: Wireless Communication Facilities shall include all buildings, cabinets, structures and facilities, including generating and switching stations, repeaters, antennas, transmitters, receivers, towers, relating to the low power mobile voice transmission, data transmission, video transmission, and radio transmission, or wireless transmission; accomplished by linking a wireless network of radio wave transmission devices (including, but not limited to wire, cable, fiber optics, laser, microwave, radio, satellite, portable phones, pagers, mobile phones, or similar facilities) to conventional ground-wired communications systems (including, but not limited to telephone lines, video, and/or microwave transmission) through a series of short range, contiguous cells that are part of an evolving cell grid. This includes all facilities to aid in “personal wireless services” as defined in the Telecommunications Act of 1996, which

includes Federal Communications Commission (FCC) licensed commercial wireless telecommunication services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

- xcviii. YARD: An open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this ordinance.
- xcix. YARD, FRONT: A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.
- c. YARD, REAR: A yard extending the full width of the lot between a main building and the rear lot line
- ci. YARD, SIDE: A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.
- cii. ZERO LOT LINE: A development approach in which a building is located on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

3. ARTICLE III DISTRICTS AND BOUNDARIES

- a. In order to classify, regulate and restrict the location of businesses, trades, industries, residences, and other land uses and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings hereafter erected, reconstructed, or altered; to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings, City of Hernando, Mississippi, is hereby divided into twenty-four districts. The use, height, and area regulations are uniform in each district, and said districts shall be known as:

BASE DISTRICTS--AGRICULTURAL

- A Agricultural District
- A-R Agricultural--Residential District

BASE DISTRICTS--RESIDENTIAL

- R-40 Residential Single-Family District (Low Density)
- R-30 Residential Single-Family District (Low Density)
- R-20 Residential Single-Family District (Low Density)
- R-15 Residential Single-Family District (Low Density)
- R-12 Residential Single-Family District (Medium Density)
- R-10 Residential Single-Family District (Medium Density)
- R-8 Residential Single-Family District (Medium Density)
- R-6 Residential Single-Family District (Medium Density)
- RM-8 Multiple-Family Residential District (High Density)
- RM-6 Multiple-Family Residential District (High Density)

BASE DISTRICTS--OFFICE AND COMMERCIAL

- C-1 Neighborhood Commercial District
- C-2 Highway Commercial District
- C-3 General Commercial District
- O Office District

INDUSTRIAL DISTRICTS

- M-1 Light Industrial
- M-2 Heavy Industrial

OVERLAY AND PLANNED DISTRICTS

- PO Planned Corporate Office Park District
- PB Planned Business District
- PUD Planned Unit Development District
- EO Environmental Overlay District
- H-1 Historic Overlay District
- TND Traditional Neighborhood Development District

- b. A base district designation shall apply to each lot or site within the City and its planning jurisdiction. A site must be in one (1) base district. An overlay district designation may be applied to any site or any portion thereof, in addition to a base district designation. More than one (1) overlay district may apply to the same portion of a site.
- c. The boundaries of these districts are indicated upon the Zoning District Map of the City of Hernando, Mississippi, which map is made a part of this ordinance. The said Zoning District Map of City of Hernando, Mississippi, and all the notations, references, and other matters shown thereon shall be as much a part of this ordinance as if the notations, references, and other matters set forth by said Zoning District Map were all fully described herein; which Zoning District Map is properly attested and are on, file with the City Clerk of the City of Hernando, Mississippi.
- d. All territory which may hereafter become a part of the incorporated area of the City of Hernando by revision of corporate boundaries of any village, town, or city, shall remain in its existing municipal classification until such time as such classification may be changed by amendment to the Zoning Ordinance as provide by law.
- e. Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning District Maps accompanying and made a part of this ordinance. The following rules shall apply:
 - i. Where a boundary line is given a position within a street, road or alley, it shall be deemed to be in the center of the street, road, or alley; and if the actual location of such street, road, or alley varies from the location as shown on the Zoning District Map, then the actual location shall control.
 - ii. Where a boundary line is shown as approximately following municipal, county, or state boundaries, it shall be construed to follow such boundaries.
 - iii. Where a boundary line is indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water, it shall be construed to follow such centerline.
 - iv. Where a boundary line is shown as being located a specific distance from a

street or road line or other physical feature, this distance shall control.

- v. Where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated mainline track.
- vi. In unsubdivided areas where district boundaries as shown on the Zoning District Map does not coincide or approximately coincide with street lines, alley lines, or lot lines, and no dimensions are shown, the location of such district boundary lines shall be determined by the use of the scale appearing on the Zoning District Map.

4. ARTICLE IV COMPLIANCE WITH REGULATIONS

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- a. No building shall be erected, converted, placed, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose and in the manner permitted in the district in which the building or land is located.
- b. No land required for yards, open spaces, or off-street parking or loading spaces about an existing building or any building hereafter erected or structurally altered shall be considered as required yard of lot area for more than one building.
- c. Every building hereafter erected or structurally altered shall be located on an approved lot and in no case shall there be more than one main building on one lot except as otherwise provided in the ordinance.
- d. No building shall be erected or structurally altered to the extent specifically provided herein after except in conformity with the off-street parking and loading regulations of this ordinance.
- e. The provisions of these regulations shall be considered the minimum requirements for the promotion of the public health, safety, morals, comfort and welfare. Where provisions of the regulations of this ordinance impose greater restrictions than those of any statute, other ordinance or regulations, the provisions of the regulations of this ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this ordinance, the provision of such statute, other ordinance or regulation shall be controlling.

5. ARTICLE V AGRICULTURAL DISTRICTS

a. "A" AGRICULTURAL DISTRICT

- i. The agricultural districts included in this chapter are intended to achieve the following objectives:
 - (1) To provide area for agricultural and rural uses within the City area.
 - (2) To encourage a vigorous agricultural industry within the City's zoning jurisdiction
 - (3) To ensure that urban/suburban development occurs contiguous to existing urbanized or urbanizing areas
 - (4) To prevent premature urban development in area which are not adequately served by public facilities.

- ii. Permitted uses:
 - (1) Any forms of agriculture and forestry activities, but excluding feed lots and sales or auction yards and barns and other similar intensive farming operations limited elsewhere in this ordinance
 - (2) Single family dwellings
 - (3) Boat docks, private
 - (4) Children's camps on sites of 40 acres or more
 - (5) Churches
 - (6) Country Clubs
 - (7) Fish camps, hunting clubs not operated as a commercial enterprise
 - (8) Golf courses, except miniature courses or driving ranges
 - (9) Greenhouses and nurseries
 - (10) Home occupations
 - (a) No person other than members of the family residing on the premises shall be engaged in such occupation.
 - (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
 - (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
 - (d) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking

generated by the conduct of such home occupation shall be met off street and other than in a required front yard.

- (e) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
 - (f) No wholesale or retail establishment shall be permitted unless it is conducted entirely by mail, telephone or internet and does not involve the receipt, sale, shipment, delivery or storage of merchandise on or from the premises, provided, however, that articles produced by members of the immediate family residing on the premises may be stored upon the premises.
 - (g) There shall be no storage outside a principal building or accessory structure of equipment or materials used in the home occupation.
 - (h) The home occupation shall be conducted entirely within the principal residential building or in a private garage accessory thereto
 - (i) There shall be no group instruction in connection with the home occupation.
- (11) Lodges
 - (12) Model homes including sales offices located within developing subdivisions to be used for the promotion of original sales of lots and houses within that subdivision only.
 - (13) Parks and forest preserves
 - (14) Public schools
 - (15) Public service facilities
 - (16) Radio & television towers, antennas, earth stations, or wireless communication facilities which are co-located on existing facilities, or do not exceed 35' in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.

- (17) Roadside stands for the display or sale of agricultural products raised, produced and processed on the premises.
- (18) Saddle clubs, stables and riding academies
- (19) Accessory uses as provided in ARTICLE XII
- (20) Utility Substations

iii. Conditional uses

The following uses may be permitted, if approved by the Planning Commission in accord with the procedures and under the conditions set forth in area regulations and the parking regulations for similar uses set out elsewhere in this ordinance.

- (1) Airports, landing strips, and agricultural flying services, provided they comply with the regulations of the Federal Aviation Administration.
- (2) Asphalt Plants provided that:
 - (a) The plant is operated in conjunction with and on the same property as a gravel mining operation.
 - (b) That the asphalt processing is conducted no closer than three hundred (300) feet of any adjacent property line, or five hundred (500) feet of any existing residential or commercial structure,
 - (c) That a bond is posted by the party conducting the asphalt processing to guarantee that city roads will be properly cared for and returned to city specifications as required by the City Engineer.
 - (d) That all plant discharges must comply with individual environmental standards as determined by the City Engineer.
- (3) Auction Yards or barns
- (4) Beauty shops provided not more than one person is employed, and, not more than one sign with a maximum area of 4 (four) square feet is erected
- (5) Carnival
- (6) Commercial radio, television stations
- (7) Cotton gins and commercial grain elevators provided that the minimum site size be not less than 20 acres
- (8) Country Stores located on property designated in the Land Use Plan as future commercial and provided that all bulk storage of flammable liquids is underground and no less than 35 feet from all property lines
- (9) Day care centers
- (10) Extraction of minerals, including sand and gravel, provided that:
 - (a) A bond is posted by time party mining such minerals to

- guarantee (1) the refill of the Pit within 6 months after excavation is completed so all banks have not more than a 3 to 1 slope, and (2) that city roads will be properly cared for to deter dust and damage and will be returned to city specifications within 6 months after excavation is completed.
- (b) No material is extracted within 100 feet of the center line of the city road or within 50 feet of any property line.
 - (c) No washing of gravel is permitted unless a filtration system, approved by the city engineer, is provided to prevent pollution of nearby streams.
 - (d) No city roads will be hauled on unless permission is granted by the district supervisor for the use of such road
- (11) Feeding lots, rabbit hutches, and similar intensive farming operations
 - (12) Flea Markets
 - (13) Commercial guest ranches, hunting, and fishing resorts, and incidental facilities, including swimming pools, restaurants, incidental retail sales and services, and personal services, provided they are located on sites containing not less than 50 acres.
 - (14) Hospitals, nursing homes, veterinary clinics, dog kennels and educational, religious, and philanthropic institutions on sites of not less than five (5) acres, provided not more than 20% of the site area may be occupied by the buildings.
 - (15) Marinas, yacht clubs, boat houses, and accessory bait shops and snack bars
 - (16) Motels, resorts, and incidental facilities, including swimming pools, restaurants, incidental retail sales and services, and personal services, provided they are located on sites containing not less than four acres.
 - (17) Manufactured home parks, provided that a site plan meeting the following criteria is submitted with the application:
 - (a) Each lot provided for the occupancy of a single trailer or manufactured home unit shall have an area of not less than 5,000 square feet and a width of not less than 50 feet. No manufactured home, structure, addition, or appurtenance thereto shall be located less than 10 feet from the nearest adjacent lot boundary.
 - (b) All sewage disposal facilities and water supply facilities must be approved by the State Board of Health. Regular garbage and refuse pickup service must be provided at each Manufactured Home Park. Permanent facilities for washing and laundering may be required to meet the State Board of Health requirements. Adequate storm water drainage must be provided before occupancy and in a manner not to be

objectionable to adjacent property owners. No site subject to flooding shall be approved. Sidewalks, at least 5' in width, must be provided on at least one side of the roads in the Manufactured Home Park.

- (c) All vehicular road entrances must be approved by the City Engineer for safety access. Each manufactured home site shall abut a hard surfaced driveway, roadway, or street of not less than 30 feet in width, and which shall have unobstructed access to a public highway or street. Space between ~~trailers~~ manufactured homes may be used for parking of motor vehicles if the space is hard surfaced and clearly designated at least 5 feet from the nearest adjacent lot boundary. When such off-street parking spaces are provided, the driveway, roadway, or street serving the lot shall not be less than 24 feet in width. A street plan satisfactory to the Planning Commission must be approved prior to construction with streets paved and culverts in place before occupancy.
- (d) Electrical facilities provided to each lot must meet the National Electrical Code requirements. Manufactured Home Parks having 10 or more lots must provide an overhead street or night light operating at night. One street light must be provided for each 10 lot spaces, or portion thereof within the park.
- (e) Each Manufactured Home Park providing more than four spaces must provide suitable, fenced playground area of not less than 300 square feet for each space.
- (f) In approving a Manufactured Home Park site, there maybe imposed such reasonable requirements as to screening and other features of the development as are deemed necessary to protect adjacent property and prevent objectionable conditions. A twenty-five foot landscaped area shall be provided around the entire perimeter of a mobile home park adjacent to any residential dwelling district.
- (g) After completion of improvements and prior to opening the Manufactured Home Park, a final plat shall be submitted in accordance with City's Subdivision Regulations. Such plats need not be recorded in the Chancery Clerk's office, but must be approved by the Planning Commission and Mayor and Board Aldermen and filed in the plat book in the Planning Commission Office.
- (h) Each manufactured home shall be provided with anchors and tie downs such as cast in place concrete "deadman" eyelets imbedded in concrete slabs, screw augers, arrowhead anchors

or other devices to be used to stabilize the manufactured home.

- (i) Skirting shall be provided around the perimeter of each manufactured home
- (18) A manufactured home on sites of less than three (3) acres provided that a legitimate hardship exists which necessitates the use of a manufactured home.
- (19) New cemeteries or enlargement of existing cemeteries
- (20) Privately operated outdoor recreational facilities which are not allowed as a permitted use above, including but not limited to riding stables, lakes, swimming pools, tennis courts, stock car race tracks, motor cross, and miniature golf courses, provided they are located on sites containing not less than five acres
- (21) Private schools
- (22) Rock concerts
- (23) Sanitary land fills
- (24) Sewage treatment facilities
- (25) Sawmills, provided they are on sites containing not less than five (5) acres
- (26) Small assembly or manufacturing uses, auto, truck and farm equipment repair shops and accessory uses provided not more than two persons are employed, no noise, glare, heat, vibration, smoke, dust, or other noxious influence can be detected at the property line, not more than one sign with a maximum square footage of five (5) square feet is erected, and, provided that all work and storage will be in a completely enclosed building. Vehicles waiting to be repaired or waiting to be picked up may be parked behind the building, but not for a period exceeding 48 hours. Also, not more than five vehicles may be parked outside the building at any time.
- (27) Utility Substations
- (28) Wells, gas, and oil including drilling and extraction.

iv. Site Development Regulations. Each site in the "A" District shall be subject to the following site development regulations.

Regulator	Requirement
Minimum Lot Area	1.5 Acres
Lot Width	100 Feet (minimum)
Site Area/Unit	1.5 Acres

Floor Area Ratio	No Restriction	
Building Height	35 Feet (maximum)	
Maximum Overall Density (Site)	.67 Units/Gross Acre	
Minimum Building Setbacks		
	Single Family	All Other Uses
Front Yard	50	50
Side Yard	15	30
Street Side Yard	35	35
Rear Yard	40	40

Subdivisions recorded prior to the date of adoption of these regulations which have restrictive covenants with less yard requirements than these regulations will use the minimum yard requirements specified in the restrictive covenants.

b. "AR" AGRICULTURAL-RESIDENTIAL DISTRICT

- i. Purpose. The "AR" District is intended to encourage very low density residential uses in an agricultural setting in the outlying parts of the City's zoning jurisdiction. The low density residential development is intended to occur generally on unsubdivided tracts of land whereon public water supply and sanitary sewer services is impractical. The densities of the "AR" District are intended to discourage "leap frog" development into these areas and to ensure that such development occurs adjacent to previously urbanized areas.

In the "AR" Single Family Residential District a building or premises shall be used only for the following purposes:

- ii. Permitted uses:
 - (1) Agriculture activities but excluding feed lots and sales, auction yards and auction barns
 - (2) Single family dwellings
 - (3) Churches
 - (4) Country club
 - (5) Home occupations subject to the standards defined under the "A" Agricultural District
 - (6) Model home, including sales offices, located within developing

subdivisions to be used for the promotion of original sales of lots and houses within that subdivision only.

- (7) Radio and television towers, antennas, earth stations, or wireless communication facilities which are co-located on existing facilities, or do not exceeding 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
- (8) Schools, public
- (9) Public service facilities
- (10) Accessory buildings and uses as provided in Article XII

iii. Conditional uses:

The following uses may be permitted if approved by the Planning Commission, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

- (1) Day care centers
- (2) Hospitals, nursing homes, and educational philanthropic, or religious institutions on sites of not less than five acres, provided not more than 20 percent of the site area may be occupied by the buildings,
- (3) New cemeteries and enlargement of existing cemeteries.
- (4) Parking lots located within 300 feet of a "C" District.
- (5) Private clubs and lodges
- (6) Privately operated lakes, swimming pools, and tennis courts intended for public use, provided that they are located on sites containing not less than five acres
- (7) Private schools
- (8) Radio and television towers, antennas, earth stations, or wireless communication facilities, exceeding 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
- (9) Wells, gas, and oil including drilling and extraction
- (10) Golf Courses
- (11) Nurseries and Greenhouses (not to be included as a condition use in

- all other residential zones
- (12) Public Service Facilities

iv. Site Development Regulations. Each site in the "A-R" District shall be subject to the following site development regulations.

Regulator	Requirement	
Minimum Lot Area	1.5 Acres	
Lot Width	90 Feet (minimum)	
Site Area/Unit	1.5 Acres	
Floor Area Ratio	No Restriction	
Building Height	35 Feet (maximum)	
Maximum Overall Density (Site)	1 Units/Gross Acre	
Minimum Building Setbacks		
	Single Family	All Other Uses
Front Yard	50	50
Side Yard	15	30
Rear Yard	40	40

Subdivisions recorded prior to the date of adoption of these regulations which have restrictive covenants with less yard requirements than these regulations will use the minimum yard requirements specified in the restrictive covenants.

6. ARTICLE VI RESIDENTIAL DISTRICTS

- a. The residential districts included in this chapter are intended to achieve one (1) or more of the following objectives:
 - i. To reserve an adequate supply of appropriately located area for residential development, consistent with the City's General Development Plan and with sound standards of health, safety, and welfare.
 - ii. To implement the City's General Development Plan by establishing clear, delineated areas for future residential growth at varying densities and housing styles
 - iii. To promote flexibility in the design and development of housing, while maintaining high standards of design and ensuring neighborhood compatibility
 - iv. To encourage the conservation of established neighborhoods in the City.
 - v. To assure adequate light, air, privacy, and open space to residents of housing in the City.

b. "R-40" RESIDENTIAL SINGLE-FAMILY DISTRICT (LOW DENSITY)

- i. Purpose - The R-40 District is intended to provide for low density residential neighborhoods, characterized by single-family, detached dwellings on large lots with supporting community facilities. This district is appropriate for established parts of the City where it serves to preserve low density environments. Also, this district can be utilized in newly developing low density areas where buffers can not provide sufficient transitions between land uses, and for areas in which environmental considerations preclude the platting of smaller lots.
- ii. Permitted Uses
 - (1) Single Family Dwellings
 - (2) Churches
 - (3) Country Club
 - (4) Model home including sales offices located within developing subdivisions o be used for the promotion of original sales of lots and houses within that subdivision only.
 - (5) Radio and television towers, or antennas, or earth stations not exceeding 35 feet in height Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.

- (6) Schools, public
- (7) Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature
- (8) Home occupations subject to the standards defined under "A" Agricultural
- (9) Accessory buildings and uses as provided in Article XII
- (10) Public service facilities

iii. Conditional uses:

The following uses may be permitted, if approved by the Planning Commission, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

- (1) The conditional uses shall be the same as in the "AR" Agricultural Residential District
- (2) Private schools
- (3) Radio and television towers, or antennas or earth stations exceeding 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
- (4) Expansion of nonconforming uses

iv. Each site in the "R-40" District shall be subject to the following site development regulations.

Regulator	Requirement
Minimum Lot Area	40,000 square feet (minimum)
Lot Width	100 Feet (minimum)
Site Area/Unit	40,000 Square Feet
Floor Area Ratio	No Restriction
Building Height	35 Feet (maximum)
Maximum Overall Density (Site)	1.1 Units/Gross Acre

Minimum Building Setbacks		
	Single Family	All Other Uses
Front Yard	40	50
Side Yard	15	25
Street Side Yard	30	30
Rear Yard	30	35

c. "R-30" RESIDENTIAL SINGLE-FAMILY DISTRICT (LOW DENSITY)

- i. Purpose. The R-30 District is intended to provide for low density residential neighborhoods, characterized by single-family, detached dwellings on large lots with supporting community facilities. This district is appropriate for established parts of the City where it serves to preserve low density environments. Also, this district can be utilized in newly developing low density areas where buffers can not provide sufficient transitions between land uses, and for areas in which environmental considerations preclude the platting of smaller lots.
- ii. Permitted Uses:
 - (1) Single Family Dwellings
 - (2) Churches
 - (3) Country Club
 - (4) Model home including sales offices located within developing subdivisions to be used for the promotion of original sales of lots and houses within that subdivision only.
 - (5) Radio and television towers, or antennas, or earth stations not exceeding 35 feet in height Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
 - (6) Schools, public
 - (7) Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature.
 - (8) Home occupations subject to the standards defined under "A" Agricultural District

(9) Accessory buildings and uses as provided in Article XII

iii. Conditional uses:

The following uses may be permitted, if approved by the Planning Commission, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

- (1) The conditional uses shall be the same as in the "AR" Agricultural Residential District
- (2) Private schools
- (3) Radio and television towers, or antennas or earth stations exceeding 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
- (4) Expansion of nonconforming uses

iv. Each site in the "R-30" District shall be subject to the following site development regulations.

Regulator	Requirement	
Minimum Lot Area	30,000 Square Feet	
Lot Width	80 Feet (minimum)	
Site Area/Unit	30,000 Square Feet	
Floor Area Ratio	No Restriction	
Building Height	35 Feet (maximum)	
Maximum Overall Density (Site)	1.5 Units/Gross Acre	
Minimum Building Setbacks		
	Single Family	All Other Uses
Front Yard	40	50
Side Yard	15	25

Street Side Yard	30	30
Rear Yard	30	35

d. "R-20" RESIDENTIAL SINGLE-FAMILY DISTRICT (LOW DENSITY)

i. Purpose. The R-20 District is designed to provide suitable areas for low density residential development where appropriate urban services and facilities are provided or where the extension of such services or facilities will be physically and economically facilitated. Generally, this district will be characterized by single-family, detached dwellings and other structures as are accessory thereto. These districts also include community facilities, public utilities, and open uses which specifically serve the residents of these districts, or which are benefitted by and compatible with a residential environment.

ii. Permitted Uses:

- (1) Single Family Dwellings
- (2) Churches
- (3) Country Club
- (4) Model home including sales offices located within developing subdivisions to be used for the promotion of original sales of lots and houses within that subdivision only.
- (5) Radio and television towers, or antennas, or earth stations not exceeding 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
- (6) Schools, public
- (7) Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature.
- (8) Home occupations subject to the standards defined under "A" Agricultural District
- (9) Accessory buildings and uses as provided in Article XII.
- (10) Public service facilities

iii. Conditional uses:

The following uses may be permitted, if approved by the Planning Commission, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

- (1) The conditional uses shall be the same as in the "AR" Agricultural Residential District
- (2) Private schools
- (3) Radio and television towers, or antennas or earth stations exceeding 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.

iv. Each site in the "R-20" District shall be subject to the following site development regulations.

Regulator	Requirement	
Minimum Lot Area	20,000 Square Feet	
Lot Width	75 Feet (minimum)	
Site Area/Unit	20,000 Square Feet	
Floor Area Ratio	No Restriction	
Building Height	35 Feet (maximum)	
Maximum Overall Density (Site)	2.5 Units/Gross Acre	
Minimum Building Setbacks		
	Single Family	All Other Uses
Front Yard	30	40
Side Yard	15	15
Street Side Yard	20	20
Rear Yard	25	30

e. "R-15" RESIDENTIAL SINGLE-FAMILY DISTRICT (LOW DENSITY)

i. purpose. The R-15 District is designed to provide suitable areas for low density residential development where appropriate urban services and facilities are provided or where the extension of such services or facilities will be physically and economically facilitated. Generally, this district will be characterized by single-family, detached dwellings and other structures as are accessory thereto. These districts also include community facilities, public utilities, and open uses which specifically serve the residents of these districts, or which are benefitted by and compatible with a residential environment.

ii. Permitted Uses:

- (1) Single Family Dwellings
- (2) Churches
- (3) Country Club
- (4) Model home including sales offices located within developing subdivisions to be used for the promotion of original sales of lots and houses within that subdivision only.
- (5) Radio and television towers, or antennas, or earth stations not exceeding 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
- (6) Schools,
- (7) Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature.
- (8) Home occupations subject to the standards defined under "A" Agricultural District
- (9) Accessory buildings and uses as provided in Article XII

iii. Conditional uses:

The following uses may be permitted, if approved by the Planning Commission, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

- (1) The conditional uses shall be the same as in the "AR" Agricultural Residential District

- (2) Private schools
- (3) Radio and television towers, or antennas or earth stations exceeding 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
- (4) Public Service Facilities

iv. Each site in the "R-15" District shall be subject to the following site development regulations.

Regulator	Requirement	
Minimum Lot Area	15,000 square feet (minimum)	
Lot Width	65 Feet (minimum)	
Site Area/Unit	15,000 square feet (minimum)	
Floor Area Ratio	No Restriction	
Building Height	35 Feet (maximum)	
Maximum Overall Density (Site)	3 Units/Gross Acre	
Minimum Building Setbacks		
	Single Family	All Other Uses
Front Yard	30	40
Side Yard	8/20	15
Street Side Yard	15	15
Rear Yard	20	25

f. "R-12" RESIDENTIAL SINGLE-FAMILY DISTRICT (MEDIUM DENSITY)

- i. Purpose. The "R-12" District is designated to provide suitable areas for medium density residential development where complete urban services and facilities are provided or when the extension of such services or facilities will

be physically and economically facilitated. Generally, this district will be characterized by single-family, detached dwellings, except when otherwise permitted in a residential overlay district, and such other structures as are accessory thereto. This district is intended, also, to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of this district, or which are benefitted by and compatible with a residential environment.

ii. Permitted Uses:

- (1) Single Family Dwellings
- (2) Churches
- (3) Country Club
- (4) Model home including sales offices located within developing subdivisions or be used for the promotion of original sales of lots and houses within that subdivision only.
- (5) Radio and television towers, or antennas, or earth stations not exceeding 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
- (6) Schools, public
- (7) Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature.
- (8) Home occupations subject to the standards defined under "A" Agricultural District
- (9) Accessory buildings and uses as provided in Article XII

iii. Conditional uses:

The following uses may be permitted, if approved by the Planning Commission, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

- (1) The conditional uses shall be the same as in the "AR" Agricultural Residential District
- (2) Private schools
- (3) Radio and television towers, or antennas or earth stations exceeding 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the

applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.

(4) Public service facilities

iv. Each site in the "R-12" District shall be subject to the following site development regulations.

Regulator	Requirement	
Minimum Lot Area	12,000 square feet (minimum)	
Lot Width	60 Feet (minimum)	
Site Area/Unit	12,000 square feet (minimum)	
Floor Area Ratio	.4	
Building Height	35 Feet (maximum)	
Maximum Overall Density (Site)	3.5 Units/Gross Acre	
Minimum Building Setbacks		
	Single Family	All Other Uses
Front Yard	25	30
Side Yard	5/15	12
Street Side Yard	15	15
Rear Yard	20	25

v. Additional Regulations

(1) Site Plan Approval Required: For any development designated in the R-12 District, an overall site development plan and text presenting the information defined in Article VI, Section 10, Paragraphs f, g, and h must be submitted and approved by the Planning Commission.

g. "R-10" RESIDENTIAL SINGLE-FAMILY DISTRICT (MEDIUM DENSITY)

i. Purpose. The "R-10" District is designated to provide suitable areas for medium density residential development where complete urban services and facilities are provided or when the extension of such services or facilities will

be physically and economically facilitated. Generally, this district will be characterized by single-family detached dwellings, and such other structures as are accessory thereto. This district is intended, also, to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of this district, or which are benefitted by and compatible with a residential environment.

ii. Permitted Uses:

- (1) Single Family Dwellings
- (2) Churches
- (3) Country Club
- (4) Model home including sales offices located within developing subdivisions to be used for the promotion of original sales of lots and houses within that subdivision only.
- (5) Radio and television towers, or antennas, or earth stations not exceeding 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
- (6) Schools,
- (7) Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature
- (8) Home occupations subject to the standards defined under "A" Agricultural District
- (9) Accessory buildings and uses as provided in Article XII

iii. Conditional uses:

The following uses may be permitted, if approved by the Planning Commission, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

- (1) The conditional uses shall be the same as in the "AR" Agricultural Residential District
- (2) Private schools
- (3) Radio and television towers, or antennas or earth stations exceeding 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the

applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.

(4) Public service facilities

iv. Site Development Regulations. Each site in the "R-10" District shall be subject to the following site development regulations.

Regulator	Requirement	
Minimum Lot Area	10,000 square feet (minimum)	
Lot Width	55 Feet (minimum)	
Site Area/Unit	10,000 square feet (minimum)	
Floor Area Ratio	No Restriction	
Building Height	40 Feet (maximum)	
Maximum Overall Density (Site)	4.5 Units/Gross Acre	
Minimum Building Setbacks		
	Single Family	All Other Uses
Front Yard	25	25
Side Yard	5	25
Street Side Yard	10	10
Rear Yard	20	20

v. Additional Regulations

(1) Site Plan Approval Required: For any development designated in the R-10 District, an overall site development plan and text presenting the information defined in Article VI, Section 10, Paragraphs f, g, and h, must be submitted and approved by the Planning Commission prior to issuance of building permits.

h. "R-8" RESIDENTIAL SINGLE-FAMILY DISTRICT (MEDIUM DENSITY)

i. Purpose. The "R-8" District is intended to provide medium density residential neighborhoods with single-family characteristics, while also

allowing considerable latitude in the physical design of housing. Generally, this district will permit single-family detached and attached residential and town houses, and such other structures as are accessory thereto. This district is intended, also, to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of this district, or which are benefitted by and compatible with a residential environment.

ii. Permitted Uses:

- (1) Single Family Dwellings
- (2) Churches
- (3) Country Club
- (4) Model home including sales offices located within developing subdivisions to be used for the promotion of original sales of lots and houses within that subdivision only
- (5) Radio and television towers, or antennas, or earth stations not exceeding 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
- (6) Schools, public
- (7) Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature
- (8) Home occupations subject to the standards defined under "A" Agricultural District
- (9) Accessory buildings and uses as provided in Article XII

iii. Conditional uses:

The following uses may be permitted, if approved by the Planning Commission, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

- (1) (1) The conditional uses shall be the same as in the "AR" Agricultural Residential District
- (2) Private schools
- (3) Radio and television towers, or antennas or earth stations exceeding 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or

other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.

- (4) Public service facilities

iv. Each site in the "R-8" District shall be subject to the following site development regulations.

Regulator	Requirement		
Minimum Lot Area	8000 square feet (minimum)		
Lot Width	45 Feet (minimum)		
Site Area/Unit	8000 square feet (minimum)		
Floor Area Ratio	No Restriction		
Building Height	35 Feet (maximum)		
Maximum Overall Density (Site)	5.5 Units/Gross Acre		
Minimum Building Setbacks			
	Single Family	Single Family Attached	All Other Uses
Front Yard	25	20	25
Side Yard	5/10	10 yard opposite common wall	10
Street Side Yard	15		15
Rear Yard	20	20	25

v. Additional Regulations

- (1) Site Plan Approval Required: For any development designated in the R-8 District, an overall site development plan and text presenting the information defined in Article VI, Section 10, Paragraphs f, g, and h, must be submitted and approved by the Planning Commission prior to issuance of building permits.
- (2) Use of Zero Lot Line in Single-Family Detached in R-8 District:

Within a common development, one (1) interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:

- (a) The side yard opposite to the zero yard must equal at least 16 feet
 - (b) The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development, or not otherwise designated for zero lot line use.
 - (c) An easement providing for maintenance of the zero lot line facade is filed with the County Chancery Clerk and the City Building Permits Department at the time of application for a building permit.
- (3) Single-Family Attached in the R-8 District: The side yard opposite to the common wall must be equal to at least eight (8) feet.
- (4) Townhouse/Condominium Residential in the R-8 District: Townhouse/condominium residential is permitted in this district, subject to the following additional regulations:
- (a) A maximum of six (6) townhouse units may be attached in any one (1) townhouse structure.
 - (b) The site area per unit for any common townhouse development must equal at least eight thousand (8,000) square feet
 - (c) The minimum size for any townhouse lot sold individually shall be four thousand (4,000) square feet
 - (d) The minimum width for any townhouse lot sold individually shall be twenty (20) feet.
- (5) The maximum floor area ratio shall be computed for the entire common development and for each individual lot within the development. A single lot within the common development cannot exceed the maximum floor area ratio of .40 (.40 square feet of building area per one (1) square foot of site/lot area).

i. "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT (MEDIUM DENSITY)

- i. Purpose. The "R-6" District is intended to provide medium density residential neighborhoods with single-family characteristics, while also allowing considerable latitude in the physical design of housing. Generally, this district will permit single-family detached and attached residential and townhouses, except when otherwise permitted in a residential overlay district, and such other structures as are accessory thereto. This district is intended, also, to permit community facilities and public utility installations

which are necessary to service and do service specifically the residents of this district, or which are benefitted by and compatible with a residential environment.

j.

Permitted Uses:

- (1) Single Family Dwellings
- (2) Churches
- (3) Country Club
- (4) Model home including sales offices located within developing subdivisions o be used for the promotion of original sales of lots and houses within that subdivision only.
- (5) Radio and television towers, or antennas, or earth stations not exceeding 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
- (6) Schools, public
- (7) Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature.
- (8) Home occupations subject to the standards defined under "A" Agricultural
- (9) Accessory buildings and uses as provided in Article XII

ii. Conditional uses:

The following uses may be permitted, if approved by the Planning Commission, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

- (1) The conditional uses shall be the same as in the "AR" Agricultural Residential District
- (2) Private schools
- (3) Radio and television towers, or antennas or earth stations exceeding 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.

(4) Public service facilities

iii. Each site in the "R-6" District shall be subject to the following site development regulations.

Regulator	Requirement		
Minimum Lot Area	6000 square feet (minimum)		
Lot Width	40 Feet (minimum)		
Site Area/Unit	6000 square feet (minimum)		
Floor Area Ratio	.6		
Building Height	35 Feet (maximum)		
Maximum Overall Density (Site)	7 Units/Gross Acre		
Minimum Building Setbacks			
	Single Family	Single Family Attached	All Other Uses
Front Yard	20	20	25
Side Yard	5/8	10 yard opposite common wall	10
Street Side Yard	5	10	10
Rear Yard	20	20	25

iv. Additional Regulations

- (1) Site Plan Approval Required: For any development designated in the R-6 District, an overall site development plan and text presenting the information defined in Article VI, Section 10, Paragraphs f, g, and h, must be submitted and approved by the Planning Commission prior to issuance of building permits.
- (2) Use of Zero Lot Line in Single-Family Detached in R-6 District: Within a common development, one (1) interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations
 - (a) The side yard opposite to the zero yard must equal at least 16 feet.
 - (b) The normal side yard setback requirement must be

maintained adjacent to any lot with an existing structure not within the common development, or not otherwise designated for zero lot line use.

- (c) An easement providing for maintenance of the zero lot line facade is filed with the County Chancery Clerk and the City Building Permits Department at the time of application for a building permit.
- (3) Single-Family Attached in the R-6 District: Single-family attached residential is permitted in this district, subject to the following additional regulation
 - (a) The side yard opposite of the common wall must be equal to at least eight (8) feet
- (4) Townhouse/Condominium Residential in the R-6 District: Townhouse/condominium residential is permitted in this district, subject to the following additional regulations
 - (a) A maximum of six (6) townhouse units may be attached in any one (1) townhouse structure.
 - (b) The site area per unit for any common townhouse development must equal at least six thousand (6,000) square feet
 - (c) The minimum size for any townhouse lot sold individually shall be three thousand (3,000) square feet.
 - (d) The minimum width for any townhouse lot sold individually shall be twenty (20) feet
 - (e) The maximum floor area ratio shall be computed for the entire common development and for each individual lot within the development. A single lot within the common development cannot exceed the maximum floor area ratio of .6 (.6 square feet of building area per one (1) square foot of site/lot area).

k. "RM-8" RESIDENTIAL MULTIPLE FAMILY DISTRICT (HIGH DENSITY)

- i. Purpose. The "RM-8" District is designated to provide locations for high density, multiple family housing in the approximate range of 8 to 12 dwelling units per gross acre of site area. It is not the intent of this ordinance, however, to restrict in number the dwelling units contained in a building, provided there is sufficient site area and open space on a lot relative to the number of dwelling units thereon. Generally, this district will be characterized by residential structures each containing a multiple number of dwelling units. The RM-8 District applies to areas in which a mix of single-family and multiple-family housing is appropriate to create a unified urban neighborhood; transitional areas between lower and higher intensity

uses; developing areas of multiple-family housing where sufficient urban facilities are available or where such facilities will be available prior to development. This district is intended also to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of this district, or which are benefitted by and compatible with a residential environment.

ii. Permitted Uses:

- (1) Single Family Dwellings
- (2) Churches
- (3) Country Club
- (4) Model home including sales offices located within developing subdivisions to be used for the promotion of original sales of lots and houses within that subdivision only.
- (5) Radio and television towers, or antennas, or earth stations not exceeding 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
- (6) Schools, public
- (7) Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature
- (8) Home occupations subject to the standards defined under "A" Agricultural District
- (9) Accessory buildings and uses as provided in Article XII

iii. Conditional uses:

The following uses may be permitted, if approved by the Planning Commission, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

- (1) The conditional uses shall be the same as in the "AR" Agricultural Residential District
- (2) Private schools
- (3) Radio and television towers, or antennas or earth stations exceeding 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment.

In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.

(4) Public service facilities

iv. Site Development Regulations. Each site in the "RM-8" District shall be subject to the following site development regulations.

Regulator	Requirement		
Minimum Lot Area	5000 square feet (minimum)		
Lot Width	40 Feet (minimum)		
Site Area/Unit	3700 square feet (minimum)		
Floor Area Ratio	.8		
Building Height	35 Feet (maximum)		
Maximum Overall Density (Site)	12Units/Gross Acre		
Minimum Building Setbacks			
	Single Family	Single Family Attached	All Other Uses
Front Yard	20	20	25
Side Yard	5/8	10 yard opposite common wall	10
Street Side Yard	8	10	10
Rear Yard	20	20	25

v. Additional Regulations

(1) Site Plan Approval Required: For any development designated in the RM-8 District, an overall site development plan and text presenting the information defined in Article VI, Section 10, Paragraphs f, g, and h, must be submitted and approved by the Planning Commission prior to issuance of building permits.

- (2) Use of Zero Lot Line in Single-Family Detached in RM-8 District: Within a common development, one (1) interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:
 - (a) The side yard opposite to the zero yard must equal at least 10 feet
 - (b) The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development, or not otherwise designated for zero lot line use.
 - (c) An easement providing for maintenance of the zero lot line facade is filed with the County Chancery Clerk and the City Building Permits Department at the time of application for a building permit.
- (3) Single-Family Attached in the RM-8 District: Single-family attached residential is permitted in this district, subject to the following additional regulation:
 - (a) Minimum lot area is six thousand (6,000) square feet for an entire structure and three thousand (3,000) square feet for any one (1) dwelling unit sold individually.
 - (b) Minimum lot width shall be sixty (60) feet for an entire structure and thirty (30) feet for any one (1) dwelling unit sold individually.
 - (c) The side yard opposite to the common wall must be equal to at least eight (8) feet.
- (4) Townhouse/Condominium Residential in the RM-8 District: Townhouse/condominium residential is permitted in this district, subject to the following additional regulations
 - (a) A maximum of six (6) townhouse units may be attached in any one (1) townhouse structure.
 - (b) The site area per unit for any common townhouse development must equal at least five thousand (5,000) square feet.
 - (c) The minimum size for any townhouse lot sold individually shall be two thousand (2,000) square feet.
 - (d) The minimum width for any townhouse lot sold individually shall be twenty (20) feet.
 - (e) The maximum floor area ratio shall be computed for the entire common development and for each individual lot within the development. A single lot within the common development cannot exceed the maximum floor area ratio of .80 (.80 square feet of building area per one (1) square foot of site/lot area).

I. "RM-6" RESIDENTIAL MULTIPLE-FAMILY DISTRICT (HIGH DENSITY)

i. Purpose. The "RM-6" District is designated to provide locations for higher density, multiple family housing in the approximate range of 10 to 15 dwelling units per gross acre of site area. It is not the intent of this ordinance, however, to restrict in number the dwelling units contained in a building, provided there is sufficient site area and open space on a lot relative to the number of dwelling units thereon. Generally, this district will be characterized by residential structures each containing a multiple number of dwelling units. The RM-6 District applies to areas in which a mix of single-family and multiple-family housing is appropriate to create a unified urban neighborhood; transitional areas between lower and higher intensity uses; developing areas of multiple-family housing where sufficient urban facilities are available or where such facilities will be available prior to development. This district is intended also to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of this district, or which are benefitted by and compatible with a residential environment.

ii. Permitted Uses:

- (1) Single Family
- (2) Churches
- (3) Country Club
- (4) Model home including sales offices located within developing subdivisions to be used for the promotion of original sales of lots and houses within that subdivision only
- (5) Radio and television towers, or antennas, or earth stations not exceeding 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
- (6) Schools, public
- (7) Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature
- (8) Home occupations subject to the standards defined under "A" Agricultural District
- (9) Accessory buildings and uses as provided in Article XII

iii. Conditional uses:

The following uses may be permitted, if approved by the Planning Commission, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

- (1) The conditional uses shall be the same as in the "AR" Agricultural Residential District
- (2) Private schools
- (3) Radio and television towers, or antennas or earth stations exceeding 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
- (4) Public service facilities

iv. Each site in the "RM-6" District shall be subject to the following site development regulations.

Regulator	Requirement		
Minimum Lot Area	4000 square feet (minimum)		
Lot Width	40 Feet (minimum)		
Site Area/Unit	3000 square feet (minimum)		
Floor Area Ratio	1		
Building Height	70 Feet (maximum) <u>with appropriate fire fighting equipment</u>		
Maximum Overall Density (Site)	5 Units/Gross Acre		
Minimum Building Setbacks			
	Single Family	Single Family Attached	All Other Uses
Front Yard	20	20	25
Side Yard	5/8	10 yard opposite common wall	10

Street Side Yard	8/12	10	10
Rear Yard	20	20	25

v. Additional Regulations

- (1) Site Plan Approval Required: For any development designated in the RM-6 District, an overall site development plan and text presenting the information defined in Article VI, Section 10, Paragraphs f, g, and h, must be submitted and approved by the Planning Commission prior to issuance of building permits.
- (2) Use of Zero Lot Line in Single-Family Detached in RM-6 District: Within a common development, one (1) interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:
 - (a) The side yard opposite to the zero yard must equal at least 10 feet.
 - (b) The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development, or not otherwise designated for zero lot line use
 - (c) An easement providing for maintenance of the zero lot line facade is filed with the County Chancery Clerk and the City Building Permits Department at the time of application for a building permit.
- (3) Single-Family Attached in the RM-6 District: Single-family attached residential is permitted in this district, subject to the following additional regulation:
 - (a) Minimum lot area is six thousand (6,000) square feet for an entire structure and three thousand (3,000) square feet for any one (1) dwelling unit sold individually.
 - (b) Minimum lot width shall be sixty (60) feet for an entire structure and thirty (30) feet for any one (1) dwelling unit sold individually
 - (c) The side yard opposite to the common wall must be equal to at least eight (8) feet
- (4) Townhouse/Condominium Residential in the RM-6 District: Townhouse/condominium residential is permitted in this district, subject to the following additional regulations:
 - (a) A maximum of six (6) townhouse units may be attached in any one (1) townhouse structure.
 - (b) The site area per unit for any common townhouse

development must equal at least four thousand (4,000) square feet

- (c) The minimum size for any townhouse lot sold individually shall be fifteen hundred (1,500) square feet.
- (d) The minimum width for any townhouse lot sold individually shall be twenty (20) feet.
- (e) The maximum floor area ratio shall be computed for the entire common development and for each individual lot within the development. A single lot within the common development cannot exceed the maximum floor area ratio of 1.00 (1.00 square feet of building area per one (1) square foot of site/lot area)
 - (i) For any two family, townhouse, multi-family, or residential condominium development, an overall SITE DEVELOPMENT PLAN and text presenting the information defined in Paragraph d below must be submitted for approval by the Planning Commission prior to issuance of building permits.
 - (ii) The site development plan is intended to demonstrate to the Planning Commission the character and objectives of the proposed development in adequate detail for the Planning Commission to evaluate the effect the proposed development would have on the community, and determine what provisions, if any, should be included as part of the plan and be binding on the use and development of the subject property.
 - (iii) The filing of a Site Development Plan shall constitute an agreement by the owner and applicant, their heirs, successors, and assigns that if the Development Plan is approved by the City of Hernando, building permits for improvement of such property shall be issued only when in conformance with the binding elements of the site development plan as approved by the City of Hernando for said property in question. Such plan shall be strictly complied with and be enforceable in the same manner as the Zoning District Regulations.

vi. Site Development Plan Elements

- (1) Existing topography, with a contour interval not greater than five (5) feet unless specifically waived by the Planning Commission.
- (2) Vicinity Map with measurements to existing streets
- (3) Boundary description, including area and bearings and dimensions of all property lines

- (4) Lot size and location, height, floor area, number of dwelling units, and arrangement of proposed and existing buildings.
- (5) Proposed use of the structures on the subject property
- (6) Existing tree masses, streams, flood plains, and other natural forces.
- (7) Provisions for general landscaping, screening, buffering, recreational, and open space areas. Reference should be made to Plates A, B, C for screening between multifamily developments and adjacent uses
- (8) Proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space.
- (9) The location, arrangement, and dimensions of:
 - (a) Existing and proposed streets and driveways.
 - (b) Adjacent streets
 - (c) Sidewalks
 - (d) Parking areas, including the number of off-street parking spaces
 - (e) Points of ingress and egress
 - (f) Off-street loading areas-
 - (g) Other vehicular, bicycle, or pedestrian right-of-ways
- (10) Provisions for handling surface water drainage and other utilities information such as proposals for water and sewer service, fire hydrants, street lighting, gas electricity, telephone service, and similar information including location and dimensions.
- (11) Proposed stages of development, if applicable, and the anticipated time required to develop each stage.
- (12) The developer shall also submit sketches of the plan for the entire development, including perspective drawings as necessary, showing the relationship of uses, streets, driveways, parking areas, buildings, open space, the general character of the proposed development and any other necessary plans to insure that their construction shall conform to City of Hernando building regulations
- (13) Relation to the City of Hernando General Development Plan, land uses in the surrounding area and to the Site Development Plan.

vii. Site Development Plan - Minimum Standards

- (1) Area Requirements: The minimum required lot area shall be 9,000 square feet, for the first dwelling unit, 12,000 square feet, for the second dwelling unit and the third dwelling unit, and 2,800 square feet, for each additional dwelling unit over three
- (2) Height and Yard Requirements: Front, side, and rear yard requirements, as well as height requirements, are listed on the Chart of Regulations
- (3) Off-Street Parking: A minimum of two off-street hard surface

- parking spaces per dwelling unit shall be required
- (4) Street widths and improvements must conform to the requirements established by the City of Hernando.
 - (5) A minimum total area of 10% of the gross residential area shall be set aside as parks and playgrounds. Of this 10% a maximum of one-half may be covered with water. A maximum of 5% of the area designated to be parks and playgrounds may be covered with structures to be used in the recreational use of the area. Parks and playgrounds must be suitably improved for their intended use but parks and playgrounds containing natural features clearly worthy of preservation may be left unimproved
 - (6) Drainage Provisions: A means of on-site drainage shall be provided to control storm water run-off so that surface waters will be properly disposed of without adversely affecting neighboring properties through erosion, flooding and other drainage problems. Drainage provisions shall be made to the satisfaction and requirements of the City Engineer and the City of Hernando
 - (7) All required improvements are to be installed and maintained by the developer unless other arrangements approved by the City of Hernando are made
 - (8) The City of Hernando may require other special improvements as they are required if they are deemed reasonable and essential.

viii. Site Development Plan - Scope of Planning Commission Review

The Planning Commission shall consider, but not be limited to the following factors in review of the site development plan:

- (1) The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, floodplains, soils, air quality, scenic views and historic sites
- (2) The provision of safe and efficient vehicular and pedestrian transportation both within the development, and the community
- (3) The provision of sufficient open space to meet the needs of the proposed development.
- (4) The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community
- (5) The compatibility of the overall site design (location of buildings, parking lots, screening, general landscaping) and the land use within the existing area and projected future development of the area
- (6) The existence and/or provision of adequate community facilities to

serve the proposed development (i.e. water, sewerage, schools, streets, etc.).

- (7) Conformance of the site development plan with the General Development Plan and any other applicable requirements of the Zoning Ordinance.

RESIDENTIAL ZONE DISTRICTS
SITE DEVELOPMENT REGULATIONS

Zone District	Required Site Area Per Dwelling Unit	Minimum Lot Area For Single Family Detached	Min. Yard Requirements (feet)			Maximum Building Height	Maximum Floor Area Ratio	Maximum Density (du / acre)
			<u>Front</u>	<u>Rear</u>	<u>Side</u>			
A	1.5 acre	1.5 acre*	50	35	15	35 Feet	NA	.67
A-R	1.5 acre	1.0 acre*	50	35	15	35 Feet	NA	1.0
R-40	40,000 S.F.	40,000 S.F.	40	30	15	35 Feet	NA	1.1
R-30	30,000 S.F.	30,000 S.F.	40	30	15	35 Feet	NA	1.5
R-20	20,000 S.F.	20,000 S.F.	30	25	15	35 Feet	NA	2.2
R-15	15,000 S.F.	15,000 S.F.	30	20	8 / 20**	35 Feet	NA	2.9
R-12	12,000 S.F.	12,000 S.F.	25	20	5 / 15**	35 Feet	.30	3.6
R-10	10,000 S.F.	10,000 S.F.	25	20	5	35 Feet	.32	4.3
R-8	8,000 S.F.	8,000 S.F.	25	20	5	35 Feet	.40	5.5
R-6	6,000 S.F.	6,000 S.F.	20	20	5 / 8 **	35 Feet	.60	7.2
RM-8	3,700 S.F.	5,000 S.F.	20	20	3 / 8 **	35 Feet	.80	12.0
RM-6	3,000 S.F.	4,000 S.F.	20	20	3 / 8 **	70 Feet	1.00	15.0

In subdivisions having three lots or less and central water, the minimum lot size may be 1 acre

** The sum of all required side yards shall be a minimum of twenty (20) feet, fifteen (15) feet, and eight (8) feet respectively.

See Article 5, Section 6 d(3), 7 d(3), 8 d(3) & (4) and 9 d(3) & (4) for additional regulations regarding single-family attached and townhouse developments yard requirements.

ix. Other Provisions:

- (1) In the C-3 and M district, buildings may be erected to ten stories or 120 feet subject to the provision of appropriate municipal services and provided that any building that exceeds 35 feet in height shall be set back from all required yard lines one foot for each foot the building exceeds 35 feet in height.
- (2) Height limitations shall not apply to:
 - (a) chimneys, steeples, cooling towers, elevator bulkheads, radio & television towers, antennas & wireless communication facilities, fire towers, monuments, stage towers, scenery lofts, water tanks, silos, grain elevators, farm buildings, and necessary mechanical appurtenances.
 - (b) Storage buildings are exempt from the story limitation but not the number of feet.
 - (c) If a public building, church, temple, hospital, institution, or school, is set back an additional distance over the required setback, its height may be increased one foot over the its height limitation for each foot of additional setback.
- (3) On double frontage lots and corner lots, the required front yard shall be provided on both streets.
- (4) In a commercial lot abutting a residential district, there shall be provided a side yard equal to that required in the residential district.
- (5) In the "A" district, there may be more than one residential structure located on a lot provided that:
 - (a) the structures are situated so as to meet the yard requirements of an actual subdivision;
 - (b) all property is vested in a single ownership.

x. Miscellaneous Requirements:

- (1) In the RM-6, RM-8, C, and M districts, there may be two or more related buildings on a lot provided that the required yards are maintained and buildings that are parallel or within 45 degrees of being parallel are separated by a horizontal distance that is equal to the height of the highest building.
- (2) Front yards in all districts must remain open to the sky and unobstructed from the ground upward except for the projection from the buildings permitted by this ordinance;
- (3) When a street upon which lot fronts have an existing right-of-way less than that designated in the General Plan, consultation shall be made with the City Engineer to determine the building setback line which

accounts for the proposed right-of-way of the street.

(4) Yard Exceptions:

- (a) On lots of record which do not meet minimum width requirements, the side yard may be reduced to ten percent of the lot width but not less than three feet;
- (b) Sills, belt course, cornices, and ornament features may project a maximum of two feet into a required yard;
- (c) Open fire escapes, fireproof outside stairways, and balconies opening on fire towers, and the ordinary projections of chimneys into a rear yard for a distance of not more than three and one-half feet when so placed as not to obstruct light and ventilation, may be permitted by the Building Official;
- (d) Terraces or patios which are uncovered and not above the level of the first floor may project into the required yard, provided these projections be located at least two feet from an adjacent property line;
- (e) Where a garage is entered from an alley, it must be a minimum of 10 feet from the alley line;
- (f) Gasoline pumps and service islands must be back a minimum of 35 feet from the street or right-of-way line. The front edge of a service station canopy sheltering service islands must be set back a minimum of 20 feet from the street right-of-way line;
- (g) The use of any yard area for the accumulation of used, discarded, or worn out materials or manufactured products which may or may not be reusable or salable is expressly prohibited. Likewise, junk cars as defined herein are expressly prohibited from being located in any yard areas.
- (h) No building permits shall be issued for a building or facility on a lot approved by City of Hernando unless the sewage there from shall be collected and treated by a central system or unless the DeSoto County Health Department approves in writing the use of septic tank and disposal field on the lot.

7. ARTICLE VII COMMERCIAL DISTRICTS

a. "C-1" NEIGHBORHOOD COMMERCIAL DISTRICT

i. The purpose of this district is to provide for retail shopping for everyday needs and personal services to serve the surrounding residential areas. The height of buildings and open spaces surrounding the district will not adversely affect nearby residences. Generally, the districts are located at the intersections of major streets within residential areas. In the "C-1" Neighborhood Commercial District, a building shall be limited to an area up to 10,000 square feet and the premises shall be used only for the following purposes.

ii. Permitted uses

- (1) Accessory dwelling unit
- (2) Art or photo studio
- (3) Bakery,
- (4) Barber or beauty shop
- (5) Cleaning pickup station
- (6) Day care center
- (7) Doctor or dentist offices
- (8) Drug store
- (9) Exercise center
- (10) Financial services, banks, savings and loan associations, but not including short-term loan establishments such as check cashing, title loan, or other similar establishments.
- (11) Flower or plant store
- (11) Grocery
- (12) Indoor recreation center, arcade with video, pinball machines but excluding theaters, bowling alleys, skating rinks
- (13) Music or dancing academy
- (14) Nursery school
- (15) Offices
- (16) Photo finishing, pick up station
- (17) Post office or postal facility
- (18) Public Service Facilities
- (19) Print shops
- (20) Radio and television towers, antennas, earth stations or wireless communication facilities, which are a co-location, or do not exceed 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city

and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.

- (21) Repair and service shops for repair and servicing of bicycles, electrical, radio, television appliances, keys and similar articles
- (22) Restaurant and carryout
- (23) Retail shops, other
- (24) Self service laundry and dry cleaning
- (25) Veterinary clinic where there are no open kennels
- (26) Accessory uses as provided in Article XII.
- (27) Convenience Store

iii. Conditional uses:

The following uses may be permitted, if approved by the Planning Commission, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations set out elsewhere in this ordinance.

- (1) Churches
- (2) Club, lodge, country club
- (3) Schools, public or private
- (4) Gas pumps as an accessory use to a convenience store
- (5) Car wash
- (6) Theaters but not drive-in theaters
- (7) Temporary use of prefabricated buildings or mobile homes for any permitted or conditional uses listed above other than accessory buildings
- (8) Radio and television towers, antennas, earth stations, or wireless communication facilities, which are not a co-location, or do exceed 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
- (9) Expansion of non-conforming uses

iv. Off-street parking and loading shall be prescribed in Article XV.

v. Minimum area, yard, and height requirements which govern any use in this district are listed on the Chart of Regulations unless otherwise regulated in this Article.

b. "C-2" HIGHWAY COMMERCIAL DISTRICT

- i. The purpose of this district is to provide for retail and service outlets serving not only nearby residential areas, but distant areas as well and especially the needs of through highway traffic. The districts are primarily located along heavily traveled, state and federal highways. In the "C-2" Highway Commercial District, a building or premises shall be used only for the following purposes:

Permitted uses:

- (1) Any use permitted in the "C-1" Neighborhood Commercial District
- (2) Aluminum can collection centers with no machinery processing or outside storage
- (3) Animal and veterinary clinics with no open kennels
- (4) Bus terminal or service facility
- (5) Cleaning establishment
- (6) Club, lodge, country club
- (7) Contractors storage, indoor
- (8) Crop, soil preparation, agricultural services
- (9) Department or discount store
- (10) Farm implement and heavy equipment sales and repair establishments
- (11) Farm or feed stores including accessory storage of liquid or solid fertilizers
- (12) Flea markets, indoor
- (13) Greenhouse or nursery
- (14) Hotel, motel or motor lodge
- (15) Indoor shooting gallery
- (16) Lawn, tree or garden service
- (17) Lumberyard
- (18) Manufactured home sales, service repair and storage facilities including camping trailers, tents and touring vans but not including a manufactured home park or mobile home or trailer park and not allowing storage of damaged mobile or manufactured homes
- (19) Motor vehicle sales, service and repair. Salvage or junk, and any major repair or storage of equipment or materials or damaged vehicles shall be completely concealed from surrounding properties and no more than five (5) shall be stored on the property at any one time
- (20) Mortuary or funeral home
- (21) Parking, automobile parking lot or garage
- (22) Photo finishing
- (23) Plumbing shop
- (24) Printing and publishing establishments

- (25) Processing and manufacturing incidental to a retail establishment but which create no noticeable obnoxious effects to surrounding property owners or tenants.
- (26) Public service facility
- (27) Radio or TV studio
- (28) Radio and television towers, antennas, earth stations or wireless communication facilities, which are a co-location, or do not exceed 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
- (29) Recreation center, arcade with video, pinball games
- (30) Restaurant, drive-in or otherwise
- (31) Retail, service truck route center
- (32) Filling station
- (33) Schools, public and private
- (34) Telephone service or switching
- (35) Used car, trailer, boat sales, recreation vehicles, campers sales and storage lots with the following guidelines
 - (a) Hard surface parking areas will be provided for all areas in the front of the building;
 - (b) No placement of vehicles in any road right-of-way
 - (c) Landscape screening will be provided along the exterior of the property to be approved by the Planning Commission with an emphasis on low shrubs in front and taller trees & shrubs along sides and rear
 - (d) No banners and/or signs obstructing entry or exit sight lines
 - (e) No inoperable vehicles will be located outside of an opaque screening;
 - (f) Site review and approval, including lighting plan, is required by the Planning Commission;
- (36) Vehicle wash
- (37) Wholesale merchandising and storage warehouses not exceeding 8,000 square feet in floor area and not employing more than 10 persons on the premises at any one time.
- (38) Utility Substations

ii. Conditional uses:

The following uses may be permitted, if approved by the Planning Commission in accordance with

the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance,

- (1) Amusements, commercial
- (2) Campground, travel trailer parks
- (3) Churches
- (4) Contractors yard or storage, outdoor
- (5) Drive-in theaters
- (6) Health spas, massage therapy establishments, and similar uses
- (7) Flea markets (outdoor)
- (8) Laboratories
- (9) Liquor store
- (10) Lounges, bars, taverns, and similar establishments
- (11) Machine shop and sheet metal shop
- (12) Mini-warehouses under the following conditions:
 - (a) The site must contain a minimum, of 2 acres, but no more than 5 acres
 - (b) The minimum distance between buildings shall be 20 feet, except in a turning radius, in which case the minimum distance between buildings shall be 25 feet.
 - (c) One (1) parking space for each 10 compartments must be provided
 - (d) All driveways, parking, loading and vehicle circulation areas shall be paved
 - (e) A minimum 6 foot high fence shall be erected, the composition of which shall be approved by the Planning Commission. A portion of the 50 foot front yard set-back requirement for fences may be waived at the discretion of the Planning Commission.
 - (f) Only one sign, meeting the requirements of Article XII, is allowed.
 - (g) Only dead storage will be allowed; no transfer and storage business will be allowed.
 - (h) No explosives, radioactive, or other hazardous material will be stored on the premises
 - (i) Other conditions deemed necessary and appropriate by the Planning Commission to uphold the intent of the General Development Plan may be attached to any approval including but not limited to lighting, screening, landscaping, architectural design, and live-in managers.
 - (j) Along with the conditional use application the applicant must submit to the Board of Adjustment Staff a development plan showing the proposed buildings in relation to the property,

ingress and egress, and architectural drawings of the buildings.

- (13) Printing and publishing establishments
- (14) Radio and television towers, antennas, earth stations, or wireless communication facilities, which are not a co-location, or do exceed 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
- (15) Wrecker services and temporary storage of junk cars provided
 - (a) All junk cars are completely concealed from all surrounding property
 - (b) Fences shall be solid board or brick/masonry and of uniform construction and color.
 - (c) Vehicles shall be only stored temporarily and no parts shall be removed.

xvi. Temporary use of prefabricated buildings or mobile homes for any permitted or conditional uses listed above other than accessory buildings.

xvii. Expansion of non-conforming uses

xviii. Taxi Service

iii. Minimum area, yard and height requirements which govern any use in this district are listed on the Chart of Regulations unless otherwise regulated in this Article.

c. "C-3" GENERAL COMMERCIAL DISTRICT

i. The purpose of this district is to protect and improve older business districts in established communities and to encourage the development of new shopping areas serving wide areas and offering a wide range of goods and services. This district is to serve as the major shopping, retail center of the community. More uses and taller structures are permitted than in the other business districts; no setbacks are required except where they adjoin residential districts. In the "C-3" General Commercial District, a building or premises shall be used only for the following purposes:

ii. Permitted Uses:

- (1) Any use permitted in the "C-1" Neighborhood Commercial District without restrictions on floor area including all listed conditional uses of the "C1" Neighborhood Commercial Districts

- (2) Aluminum can collection center with no processing or outside storage
- (3) Animal and veterinary services with no open kennels
- (4) Bus terminal
- (5) Dry Cleaning establishment
- (6) Club, lodge
- (7) Crop, soil preparation, agricultural services
- (8) Department or discount store
- (9) Greenhouse or nursery
- (10) Hotels, motel or motor lodge
- (11) Indoor recreation centers including bowling alleys, skating
- (12) Laboratories, research, experimental or testing
- (13) Lawn, tree or garden service
- (14) New car dealerships
- (15) Mortuary, funeral home
- (16) Offices and office supply stores
- (17) Parking, automobile parking lot or garages
- (18) Photo finishing
- (19) Plumbing shop
- (20) Print shop
- (21) Printing and publishing establishments
- (22) Processing and manufacturing incidental to a retail establishment
- (23) Radio or TV station
- (24) Radio and television towers, antennas, earth stations or wireless communication facilities, which are a co-location, or do not exceed 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
- (25) Recreation center, arcade with video, pinball games
- (26) Filling station
- (27) Schools, public or private
- (28) Telephone service or switching center
- (29) Accessory buildings or uses as provided in Article XII.
- (30) Utility Substations

iii. Conditional Uses:

The following uses may be permitted, if approved by the Planning Commission, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses

shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

- (1) Lounges, bars, taverns, liquor stores, and similar establishments
 - (2) Temporary use of prefabricated buildings or mobile homes for any permitted or conditional uses listed above other than accessory buildings.
 - (3) Outdoor recreational uses
 - (4) Radio and television towers, antennas, earth stations, or wireless communication facilities, which are not a co-location, or do exceed 35 feet in height. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
 - (5) Expansion of non-conforming uses
- iv. Minimum area, yard, and height requirements which govern any use in this district are listed on the Chart of Regulations unless otherwise regulated in this Article.
- d. "0" OFFICE DISTRICT
- i. The purpose of this district is to permit offices including administrative, executive professional, research, limited commercial uses in areas when the premises adjoins an existing business, planned business or industrial district. Such uses shall be established only when they would act as a buffer between residential and non-residential uses located along highways, major roads and/or when such uses would abut a non-residential use. In the "0" Office District, a building or premises shall be used only for the following purposes:
 - ii. Permitted Uses
 - (1) Banks, other financial services, but not including short-term loan establishments such as check cashing, title loan, or other similar establishments.
 - (2) Barber or beauty shop
 - (3) Doctor, dental offices
 - (4) Offices
 - (5) Public services facilities
 - iii. Conditional Uses:

The following uses may be permitted , if approved by the Planning Commission, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations set out elsewhere in this ordinance.

- (1) Churches
 - (2) Radio or TV studio
 - (3) Retail shops, sales and services such as bookstore, florist shop, photographers studio and others with a maximum floor area not to exceed 2,500 square feet of floor area.
 - (4) Small scale research laboratories not to exceed 2,500 square feet of floor area.
 - (5) Expansion of non-conforming uses
 - (6) Massage therapy establishments, day spas, and similar establishments.
- iv. Minimum area, yard, and height requirements which govern any use in this district are listed on the Chart of Regulations unless otherwise regulated in this Article.

COMMERCIAL ZONE DISTRICTS SITE DEVELOPMENT REGULATIONS

Zone	Required Site Area	Minimum Lot Area	Min. Yard Requirements (feet)			Maximum	Maximum
District	Per Building		<u>Front</u>	<u>Rear</u>	<u>Side</u>	Building	Floor Area
						Height	Ratio
C-1	None	None	50	20*	None	35 Feet/ 2 Stories	NA
C-2	None	None	50	20*	None	35 Feet/ 2 Stories	NA
C-3	None	None	0	0	None	35 Feet/ 2 Stories	NA
O	None	None	50	5*	20	35 Feet/2 Stories**	NA
<p>* On a lot abutting a residential district there shall be the same side yard as required in the residential district. No building shall be located nearer than 50 feet to a road right-of-way.</p>							
<p>** In the C-3 district, buildings may be erected to ten stories or 120 feet provided that there are appropriate municipal services in place and any building that exceeds 35 feet in height shall be set back from all required yard lines one foot for each foot the building exceeds 35 feet in height.</p>							

8. ARTICLE VIII INDUSTRIAL DISTRICTS

a. "M-1" LIGHT INDUSTRIAL DISTRICT

i. The purpose of this district is to provide for a wide variety of light manufacturing establishments including assembling, processing, storage, and distributing activities. No new residential development would be permitted except for watchmen and caretaker dwelling units. The districts should adjoin good highways and access to railroads is also desirable. In the "M-1" Light Industrial District, a building or premises shall be used only for general light industrial, warehousing, and other uses, including certain open or enclosed storage of products, materials, and vehicles, and including the following uses and any similar uses which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from other uses listed in this section, such listed uses being generally wholesale establishments, service industries, and light industries that manufacture, process, store and distribute goods and materials, and are, in general, dependent on raw materials refined elsewhere and manufacture, compounding, processing, and packing, as specified, of the following products or similar products.

ii. Permitted Uses:

- (1) Aluminum can processing and recycling center
- (2) Convenience store
- (3) Dwellings for resident watchmen and caretakers employed on the premises
- (4) Farms and farm dwellings
- (5) Nursery and greenhouse for growing or propagation of plants, trees and shrubs
- (6) Wholesale merchandising or storage warehouses with or without accessory retail sales and offices
- (7) Compounding of cosmetics, toiletries, drugs, and pharmaceutical products
- (8) Photographic processing or Printing or
- (9) Manufacture or assembly of medical and dental equipment, drafting, optical, and musical instruments, watches, clocks, toys, games, and electrical or electronic
- (10) Manufacture or assembly of boats, bolts, nuts, screws, and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery, and hardware products, sheet metal products, and vitreous enameled metal products.
- (11) Manufacture of food products, including beverage blending or bottling, bakery products, candy manufacture, dairy products, and ice

- cream, fruit, and vegetable processing and canning, packing and processing of meat and poultry products, but not distilling or brewing of beverages or slaughtering of poultry or animals.
- (12) Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing, and fabrics, printing, and finishing of textiles and fibers into fabric
 - (13) Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of similar
 - (14) Generally those light manufacturing uses similar to those listed above which do not create any more danger to health and safety in surrounding areas and which do not create any more or offensive noise, vibration, smoke, dust, lint, odor, heat, or glare than that which is generally associated with light industries of the type specifically permitted
 - (15) Auditorium or lecture hall, recreation facilities primarily for employees in the district
 - (16) Banks, drive-in or otherwise
 - (17) Transportation terminal for air, rail, truck, or water transportation
 - (18) Radio, television towers, antennas, earth stations, or wireless communications facilities, with the guidelines listed under Article V, 1, C, (33)---Agricultural Conditional Uses. Wireless communications towers shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the city and in an amount determined by the city to be sufficient to pay for the costs of demolition and renewal.
 - (19) Restaurants
 - (20) Utility Substations
 - (21) Concrete mixing plants with the following guidelines:
 - (a) Hard surface parking areas will be provided for all areas in the front of the building
 - (b) No placement of vehicles in any road right-of-way;
 - (c) Landscape screening will be provided along the exterior of the property to be approved by the Planning Commission with an emphasis on low shrubs in front and taller trees & shrubs along sides and rear
 - (d) No banners and/or signs obstructing entry or exit sight lines
 - (e) Site review and approval, including lighting plan, is required by the Planning Commission
 - (22) Short-term loan establishments.
- iii. Conditional Uses
- (1) Temporary use of prefabricated buildings or mobile homes for any

permitted or conditional use listed above other than accessory buildings

- iv. Minimum area, yard and height requirements which govern any use in this district are listed on the Chart of Regulations unless otherwise regulated in this Article.

b. "M-2" HEAVY INDUSTRIAL DISTRICT

- i. The purpose of this district is to provide for all types of industrial activities except that those potentially hazardous would be permitted only after review by the City of Hernando and assurance of the protection of public interest and surrounding persons and property. The district is located so as to be accessible to both highways and railroads and, where practicable, locations along water ways are utilized. In the "M-2" Heavy Industrial District, a building or premises shall be used only for the following purposes:

- ii. Permitted Uses:

- (1) Any use permitted in the "M-1" Light Industrial District

- iii. Conditional Uses:

- (1) Any manufacturing, industrial, or storage use not in conflict with any ordinance of the City of Hernando regulating nuisances and not specifically listed below in this section as conditional industrial uses permitted by the City of Hernando.
 - (2) Manufacturing, processing or storage of chemicals, petroleum, coal and allied products
 - (a) Acids and derivatives
 - (b) Acetylene
 - (c) Ammonia
 - (d) Carbide
 - (e) Caustic soda
 - (f) Cellulose and cellulose storage
 - (g) Chlorine
 - (h) Coke oven products including fuel gas and oven products' storage
 - (i) Creosote
 - (j) Distillation, manufacture, or refining of coal, tar, asphalt, wood and bones
 - (k) Explosives (including ammunition and fire works) and explosives' storage

- (l) Fertilizer (organic)
- (m) Fish oils and
- (n) Glue, gelatin (animal)
- (o) Hydrogen and oxygen
- (p) Lamp black, carbon black, and bone
- (q) Nitrating of cotton or other
- (r) Nitrates (manufactured and natural) of an explosive nature, and storage
- (s) Petroleum, gasoline, and lubricating oil refining, and wholesale
- (t) Plastic materials and synthetic
- (u) Potash
- (v) Pyroxyline
- (w) Rendering and storage of dead animals, offal, garbage, or waste products
- (x) Turpentine and resin
- (y) Wells, gas, and
- (z) Clay, stone, and glass products
 - (i) Brick, firebrick, refractories, clay, and vitreous enameled products (coal fired)
 - (ii) Cement, lime, gypsum, or
 - (iii) Minerals and earth's; quarrying, extracting, grinding, crushing, and processing
- (aa) Food and Beverage
 - (i) Fat rendering
 - (ii) Fish curing, packing and storage
 - (iii) Slaughtering of animals
 - (iv) Starch
 - (v) Distilling and brewing of beverages
- (bb) Metals and metal products
 - (i) Aluminum powder and paint manufacture
 - (ii) Blast furnace, cupolas
 - (iii) Blooming
 - (iv) Metal and metal ores, reduction, refining, smelting, and
 - (v) Scrap metal reduction or smelting
 - (vi) Steel works and rolling mill (ferrous)
 - (vii) Wood and paper products
 - (viii) Match
 - (ix) Wood pulp and fiber, reduction and processing
- (cc) Unclassified industries and
 - (i) Hair, hides, and raw fur, curing, tanning, dressing, dyeing and storage

- (ii) Stockyard
- (iii) Junk yards and auto salvage and wrecking yards, provided, however, that all such uses shall be enclosed by a solid wall or fence of uniform construction or color at least six feet high and that material not be piled any higher than said wall or otherwise stored in such a manner as to be visible from the adjacent roadway. Burning of autos, parts, or any junk material will not be allowed at anytime.
- (iv) Intensive farming operating such as feed lots, hog farms, poultry lots, and rabbit hutches
- (dd) Temporary use of prefabricated buildings or mobile homes for any permitted or conditional uses listed above other than accessory buildings
- (ee) Adult entertainment, including adult book stores, mini-theaters, peep shows, massage parlors, bath houses, cabaret, and similar activities, provided they are at least 2,500 feet from any church, school, kindergarten, day care center, library, funeral home, public park, a boundary of any zoning district which permits a residential use, or any residential structure which is occupied as a residence within or without a zoned area, or youth recreation center, and at least 1,000 feet from any other zone. The establishment must also be at least 1,000 feet from any other adult entertainment business, and at least 1,000 feet from any parcel of land upon which any establishment, authorized to sell alcoholic beverages or malt beverages and wine for consumption on the premises, is located.
 - (i) An adult entertainment business may not be operated in the same building, structure, or portion thereof, containing another adult entertainment business.
 - (ii) For the purposes of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult entertainment business is located, to the nearest property line of the premises of a church, school, kindergarten, day care center, funeral home, public park, residential district or residential lot, library, or youth recreation center or to any other adult entertainment business or any establishment authorized to sell alcoholic beverages

or malt beverages and wine for consumption on the premises.

(iii) For purposes of item a., above, the distance between any two adult entertainment businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

1) *Adult bookstore* means any commercial establishment in which more than ten square feet of floor space is used for the display or offer for sale of any book or publication, film, or other medium which depicts sexually explicit nudity or sexual conduct by its emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas.

2) *Adult bookstore and novelty store* means any commercial establishment in which more than ten square feet of floor space is used for the display or offer for sale of items described in the definition of an "adult bookstore" or an "adult novelty store" in this chapter.

3) *Adult entertainer* means any person employed by an adult entertainment establishment who exposes his or her "specified anatomical areas," as defined herein. For purposes of this section, adult entertainers include employees as well as independent contractors.

4) *Adult entertainment* means entertainment that is characterized by an emphasis on the depiction, display or the featuring of "specified anatomical areas."

5) *Adult entertainment establishment* shall be defined to include the following types of business:

a) (1) Any commercial establishment which provides live entertainment where any person appears unclothed or in such attire, costume or clothing as to expose any portion of his or her "specified anatomical areas" as defined herein or where such

performances are distinguished or characterized by an emphasis on "specified sexual activities," as defined herein;

- b) Any commercial establishment which holds, promotes, sponsors or allows any contest, promotion, special night, event or any other activity where live patrons of the establishment are encouraged or allowed to engage in any of the conduct described in subsections (1) herein;
- c) Any commercial establishment having a substantial or significant portion of its stock in trade, books, magazines or other periodicals, videotapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" as defined herein or "specified anatomical areas" as defined herein or having a segment or section comprising more than ten square feet of its total floor space, devoted to the sale or display of such material or which derives more than five percent of its net sales from the sale or rental of such material;
- d) Any commercial establishment in which more than ten (10) square feet of floor space is used for the display or offer for sale of items described in the definition of an "adult bookstore" or an "adult novelty store" in this chapter.
- e) Any commercial establishment utilizing an enclosed building with a capacity of 50 or more persons used for cinematographic or videographic presentation of material distinguished by or characterized by an emphasis on

matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, for observation by patrons therein;

- f) Any adult motion picture theater, adult motion picture arcade, adult mini-motion picture theater, adult bookstore, adult video store, adult hotel, or adult motel, as defined herein;
- g) Any commercial establishment in which more than ten (10) square feet of floor space is used for the display or offer for sale of instruments, devices or paraphernalia which are designed for use or marketed primarily for the stimulation of human genital organs as further defined and categorized as obscene by

INDUSTRIAL ZONE DISTRICTS
SITE DEVELOPMENT REGULATIONS

Zone District	Required Site Area Per Building	Minimum Lot Area	Min. Yard Requirements (feet)			Maximum Building Height	Maximum Floor Area Ratio
			<u>Front</u>	<u>Rear</u>	<u>Side</u>		
M-1	None	None	50	10	20	35 Feet/ 2 Stories*	NA
M-2	None	None	50	25	20	35 Feet/ 2 Stories*	NA

* In the Industrial (M) districts, buildings may be erected to ten stories or 120 feet provided there are appropriate municipal services and that any building that exceeds 35 feet in height shall be set back from all required yard lines one foot for each foot the

4. ARTICLE IX PLANNED AND OVERLAY DISTRICTS

c. "C-4" PLANNED COMMERCIAL DISTRICT

- i. Purpose. The purpose of this district is to provide for modern, attractive, and efficient retail, personal, and professional commercial facilities with access needs which demand location along major arterial roadways. Uses permitted in this district are frequently automobile- oriented, and, as such, this district is most appropriately located along or at intersections of urban arterial or collector roadways, as identified on the General Development Plan (2007). Also, since these corridors are major entryways and focal points in the City, landscape and buffer standards are instituted to provide commercial development which is more compatible and visually pleasing with adjacent residential areas. A preliminary site plan for the development of the entire area is required, but the development may occur in stages.
- ii. Permitted Uses. - No specific uses are specified for C-4 Planned Commercial Zone. The applicant for a planned commercial district shall submit a list of uses which will be permitted. The planning commission may delete certain requested uses where it has been determined that the proposed use will not be compatible with surrounding area or will be in conflict with the General Development Plan of the City of Hernando.
- iii. Prohibited Uses: Uses specifically prohibited in the C-4 Planned Commercial District shall be as follows:
 - (1) Adult Entertainment
 - (2) Night Clubs, Bars and Taverns
 - (3) Salvage Yards
 - (4) Outside Storage
- iv. Preliminary Site Plan Required.

The "C-4" Planned Commercial District shall be established only upon application, after public hearing as specified in the amendatory procedures of Article XVIII, and shall require an approved plan as provided below in order to provide for modern commercial centers of integrated design.

- (1) Site Plan Information. A preliminary site plan shall be prepared and submitted to the Planning Commission. The preliminary site plan shall be drawn to a scale of not less than 200 feet to the inch and shall include the following information:

- (a) Property boundary lines and dimensions, topography (5' contour intervals), location map
- (b) Arrangement and size of buildings and the general use of the property.
- (c) Areas to be developed for parking, unloading, drives, walkways, recreation, or other uses
- (d) A general grading and landscape plan including the location of major existing growth that is to be retained. The landscape plan shall include specific information pertaining to bufferyards and required landscaped areas
- (e) General locations and types of utilities and easements including storm drainage as well as general details of all surfaced areas
- (f) Estimates of traffic volumes and movements to and from the completed project from the boundary streets
- (g) A preliminary time schedule for completion of the entire project.
- (h) A statement regarding the proposed method of operating and maintaining the project.
- (i) A statement of financial responsibility to assure construction of the planned district within the proposed time schedule.

v. Site Development Regulations: The following minimum development standards shall be observed in the "C-4" Planned Commercial District.

Minimum site size (entire development)	1.0 acre
Minimum lot area (within development)	20,000 square feet
Minimum lot width (measured at front property line)	100 feet
Maximum floor area ratio	1.0
Maximum building height	40 feet
Off-street parking	Same as Article XV of this chapter
Minimum Building Setbacks:	

Front yard (urban arterial)	50 feet
Front yard (collector)	50 feet
Side yard (along intervening street)	50 feet
Side yard (abutting commercial district)	25 feet
Interior side yard (within site)	15 feet*
Rear yard (abutting residential "planned" or zoned district)	60 feet
Rear yard (abutting commercial "planned" or zoned district)	15 feet
*NOTE: Minimum distance between any two buildings within a site 50 feet	

- vi. Landscaped Bufferyard Requirements. In addition to the requirements of Article XI, of this chapter, the following landscape bufferyards shall be provided in the C-4 District, provided, however, that if the provisions of Article XI differ from these requirements, the more restrictive requirement shall apply.

	Minimum	Minimum Landscape Requirements
Bufferyard Width		
Front lot line abutting a street designated "Urban Arterial" on the	20 feet	(a) 90% landscaped area*(b) one large deciduous tree for every 50 feet of lot frontage
Front lot line abutting any other public right-of-way	15 feet	(a) 90% landscaped area*(b) one large deciduous tree for every 40 feet of lot frontage

Side lot line abutting a public right-of-way	15 feet	(a) 90% landscaped (b) one large deciduous tree area*for every 40 feet of lot frontage
* NOTE: Landscaped area shall be defined as an area consisting of grass, shrubs, trees, flowers, ground cover, or other organic plant materials in the minimum percentage as noted. A sidewalk/bike path is only other permitted material within a landscaped area.		

- vii. Additional Landscaping Requirements - In addition to the landscape material requirements provided in Article XI, and this Section, the following landscaping materials shall be required of all developments in the "C-4" district:
 - (1) For lots equal to twenty thousand (20,000) square feet or less in area, a minimum of one thousand (1,000) square feet of permanently landscaped area shall be provided on a lot (exclusive of the required bufferyards).
 - (2) For lots of greater than twenty thousand (20,000) square feet in area, a minimum of five (5) percent of the lot area shall be permanently maintained landscaped area (exclusive of the required bufferyards)
 - (3) For every five hundred (500) square feet of landscaped area on a lot/site, a minimum of one medium deciduous or ornamental tree shall be provided (exclusive of the required bufferyard landscape requirements).
- viii. Visibility Areas at Entrances/Intersections - The design and placement of the landscaping materials within the parking areas and front lot line and side lot line bufferyards will be at the discretion of the Owner, provided, however, the landscaping shall not obstruct the view between access drives and public streets. When an access drive intersects a public street, all landscaping within the areas described below shall provide unobstructed cross-visibility at a level between thirty (30) inches and seven feet above existing street grade. The sight visibility area is defined as the area formed from the intersection point of the proposed access drive and the public right-of-way for a distance of thirty-five (35) feet in all directions from said intersection point.
- ix. Traffic Access Control Standards - In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply.
 - (1) Maximum Width of Driveway Opening at Property Line: 35 feet
 - (2) Minimum Throat Length of Driveway (measured from property line

to first parking aisle): 50 feet for access to "Urban Arterial," 30 feet for all other public rights-of-way.

- (3) Location of Driveways: Driveways shall be so located that vehicles entering or leaving the establishment will not interfere with the free movement of traffic or create a hazard on the public right-of-way. Where feasible, they shall be located where there are not sharp curves and steep grades and where sight distance is adequate for safe traffic operation. Driveways should not be located within intersections, interchanges, or on highways immediately approaching them. They shall be so located that they will not interfere with the placement of signs, signals, or other devices that affect traffic operation.
- (4) All proposed developments shall utilize the guidelines for "Access Control Requirements", Exhibit XXI, published in Chapter Five of the City of Hernando General Development Plan (1992) in the preparation of a site plan in the "C-4" district. The city engineer shall approve all driveway locations for proposed developments.
- (5) Review and Approval
 - (a) The Planning Commission shall study the preliminary plan and supporting data and may make suggestions for changes and adjustments. Upon receipt of the approved preliminary plan, the Owner may proceed with final plans and specifications for all or for any portion of the project that is agreed upon. The final plans and specifications shall be reviewed and approved by the Commission. No building permit shall be issued until a final plat of the proposed development, or portion thereof, is approved, filed, and recorded.
 - (b) Modification of Site Plan: The Planning Commission may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than district regulations and may include, but not be limited to, provision for additional bufferyards, landscaping and screening, installation of erosion control measures, improvement to access and circulation systems, rearrangement of structures or uses within the site, and location and character of signs and other modifications deemed necessary to ensure compatibility with the surrounding environment and to protect public health, safety, and welfare
 - (c) Lapse of Approval: A site plan approval shall become void two (2) years after the date on which the approval became effective unless the applicant receives a building permit and

diligently carries out construction prior to expiration of that period, or a specific time extension is requested of and approved. A site plan approval may establish a longer effective period as a specific condition of the application. The Planning Commission may grant one (1) year extension of a site plan approval, provided that the applicant files a written request for an extension stating the reasons for the request prior to the date of expiration of the approval.

- (d) Modification of Site Plan Approval: The Planning Commission may approve an application for modification of a previous site plan approval if it is determined that the modification does not affect findings relating to the criteria described herein, leading to the original approval
- (e) New Applications Following Denial or Revocation: No application for approval of the same or substantially the same site may be filed within one (1) year of the date of denial of a site plan review by the Planning Commission.
- (f) Approval to Run with the Land: A site plan approval pursuant to these provisions shall run with the land and shall continue to be valid upon change of ownership of the site or structure that was the subject of the application
- (g) Site Plans Approved Under Prior Regulations: Any site plan approved administratively or approved by ordinance under regulations in effect before the effective date of this regulation shall be considered on approved site plan subject to any conditions imposed at the time of original approval. A pre-existing site plan approval shall be subject to the provisions of this section regarding lapse of approval, modification, or revocation.

d. "P-B" PLANNED BUSINESS DISTRICT

- i. The purpose of the Planned Business zoning district is to foster stability and growth in light industry, research and development, and similar industries that are enhanced by access to transportation networks and that provide desirable employment opportunities for the general welfare of the community. The Planned Business Park District areas target relatively large, contiguous land areas that can be developed according to a unified plan in a high-quality, campus-like setting rather than on a lot-by-lot basis. The uses and standards in this district are intended to promote flexibility and innovation in site design and enhance the environmental quality and attractiveness of business parks in the community, enhance the natural or scenic qualities of the environment and protect the public health and safety.
- ii. Appropriate uses in the Planned Business Park are intended for the following

general categories of uses: light industrial, warehousing, showroom/distribution, office uses, research and development, and related personal and professional services primarily intended to serve the employees and visitors of the PBP area. This land use classification is envisioned as a planned development area incorporating light industrial, research and development, and similar industries in a campus-like setting. Quick and effective access to major transportation networks is a pre-requisite for siting these planned areas. Overall floor area ratios for sites in this land use category should not exceed .50 (.50 square feet of building floor area for every one foot of site area).

iii. Permitted Uses

- (1) Auditorium or lecture hall, recreation facilities primarily for employees in the district
- (2) Banks, drive-in or otherwise and other financial
- (3) Generally those light manufacturing uses which do not create any more danger to health and safety in surrounding areas and which do not create any more or offensive noise, vibration, smoke, dust, lint, odor, heat, or glare than that which is generally associated with light industries
- (4) Merchandise showrooms, indoor
- (5) Photographic processing or blueprinting
- (6) Printing or publishing
- (7) Public service facilities
- (8) Research laboratories, but not outdoor testing
- (9) Utility Substations
- (10) Warehouses, not including dead vehicle storage, trucking companies and moving storage

companies. Mini-storage warehouses are prohibited

- (11) Wholesale distribution center

iv. Conditional Uses

- (1) Any of the following accessory uses within a building in a planned business park, and primarily intended to serve employees and visitors of the park:
 - (2) Banks or similar financial institutions
 - (3) Cafeterias or restaurants, but not drive-in restaurants;
 - (4) Commercial retail establishments, not exceeding 5,000 square feet
 - (5) Day care centers, subject to the following additional standards:
 - (a) The property is located on a collector street, major road, minor street, or private drive that serves only nonresidential uses or zoning districts, or on a minor street within 100 feet of an intersection with a major street.

- (b) Screening of the play and parking areas from adjacent properties may be required.
- (c) The maximum number of children to be accommodated on a site shall be specified and approved.
- (d) The following minimum areas shall be provided for per child: 30 square feet of indoor play area, exclusive of restrooms, hallways, kitchen or office space; 30 square feet of indoor rest area; and, 50 square feet of usable outdoor play area.
- (e) State and local health, education, and/or fire regulations may reduce but shall not increase the number of students permitted to be enrolled.
- (f) Living quarters for custodian, caretaker, or watchman
- (g) Professional and personal service establishments, including health and fitness centers, primarily intended to serve occupants or business and research uses allowed in the Planned Business Park district.
- (h) Expansion of non-conforming
- (i) Hotel, motel
- (j) Radio or television studio

v. Development Standards: All development proposed within the Planned Business District shall comply with the following specific standards:

1. Minimum yard requirements	similar to those in M-1 zoning
2. Maximum Building height limit:	50 feet
3. Maximum floor area ratio (FAR)	50%; the number of buildings and general location will be determined with preliminary approval
4. Off-street parking and loading space requirements	a. Minimum number of spaces. Off-street parking facilities must conform to city standards set out in Chapter XV of this Zoning Ordinance.
	b. Location of parking areas. Off-street parking areas shall be conveniently accessible to uses within a planned business park. Parking areas are strongly discouraged within front yards or setbacks adjacent to major streets. Parking areas shall not encroach into any required bufferyard.

	c. Internal landscaping. An area equal to 10 percent of the gross parking area shall be established and maintained within or adjacent to parking areas exclusive of the landscaping required elsewhere in this Article.
--	---

- vi. Outdoor Storage of machinery, supplies, equipment and raw materials is prohibited unless the storage areas are completely screened from abutting parcels.
- vii. Screening requirements
 - (1) Refuse containers, dumpsters, rooftop and outdoor HAVOC equipment shall be screened with vegetation, fencing or berms so they are not visible from any street or adjacent property. Buildings or structures abutting a residential zone or use shall also be appropriately screened via perimeter landscaping, as cited in bufferyard requirements
 - (2) The required landscaping along major roads shall be supplemented with additional evergreen trees as needed to screen truck loading docks from the roads. This applies only where truck docks face the major roads on the final site plan
 - (3) Landscaping requirement and bufferyard requirements will meet or exceed those specified for the Goodman Road Corridor.
 - (4) Fencing: No chainlink fencing will be allowed along major roads. Wrought iron is preferred for areas visible from major roads. Wooden and tin fences are prohibited.
- viii. Lighting requirements:
 - (1) Lighting shall be provided in accordance with a plan designed by the appropriate utility company
 - (2) Lighting for safety shall be provided at intersection, along walkways, at entryways, between buildings, and in parking areas.
 - (3) Lighting shall be directed downward or shielded to avoid hazards to drivers or glare on abutting residential uses or highways.
 - (4) Light standard shall not exceed 40' in height.
- ix. Undergrounding of utility lines: All utility lines such as electric, telephone, cable television, or other similar lines must be installed underground. This requirement applies to lines serving individual sites as well as to security and street lighting within the park. However, distribution lines which service the entire site may be located above ground. All utility boxes, transformers, meters, and similar structures must be screened from public view.
- x. Access and traffic considerations
 - (1) Site must have access to roads on Major Road Plan; number and

- location of access points will be determined with preliminary approval, subject to approval by the City Engineer
- (2) Planned office parks shall be accessible from the existing or proposed street network in the vicinity. At least one distinctive main gateway entrance to the park shall be provided. Access to the park shall be designed to discourage outside through traffic
 - (3) Curb cuts providing access to major streets shall be spaced a minimum of 400 feet from any other curb cut
 - (4) Traffic generated by occupants and users from the park shall not exceed traffic capacity standards established for the adjacent road network. A traffic impact study may be required to determine whether road improvements will be required
 - (5) Circulation system requirements: Internal circulation patterns will be provided.
- xi. Sign Regulations: Sign regulations shall be in accordance with the “M” zoning district designation, as described in Article XII, except that off-premise commercial & industrial signs/billboards will not be permitted, nor will portable or temporary signs be allowed
- xii. Architectural design guidelines
- (1) All buildings will be constructed of masonry, concrete tilt-up, glazed, or porcelainized materials. They should be of uniform architectural style. Metal “shed” type warehouse buildings are prohibited.
 - (2) The entrance or entrances to a park should receive special emphasis in design and construction. It should set the tone for the development within and should create in identity for the project at the project street frontage. Special attention should be paid to signage, landscaping, street configuration, future transit potential and traffic circulation. At a minimum, a divided street entrance must be used at the principal entrance to the site.
- xiii. Preliminary and final site plan review in proposed P-B District - An application for rezoning to the P-B District shall be accompanied by a preliminary site plan and text presenting the following information:
- (1) Information required under subsections (1-14) above
 - (2) A site plan, drawn to a scale of not less than two hundred (200) feet to the inch, including the following information
 - (3) Property boundary lines and dimensions, topography and location map;
 - (4) Natural conditions, including the general location and extent of tree covers; location and extent of water courses, marshes and flood plains on or within 100 feet of the subject property; existing natural drainage patterns and soil conditions
 - (5) A general grading and landscape plan including the location of major existing trees and vegetation that is to be retained;

- (6) The general location and maximum amount of area to be devoted to common open space and to be conveyed, dedicated or reserved for parks, playgrounds, public buildings, and other common use areas
 - (7) General locations and types of utilities and easements including storm drainage as well as general details of all surfaced areas
 - (8) The approximate location and general description of type of landscaping, planting or fencing and other treatment to provide buffers to surrounding property
 - (9) A tabulation of maximum floor area to be constructed and the proposed maximum floor area ratio;
 - (10) The maximum height of any building or structure;
 - (11) A general traffic analysis, estimating the traffic volumes and movements to and from the completed project from the boundary streets;
- xiv. A written statement generally describing the relationship of the proposed planned business park to the General Development plan and how the proposed park is to be designed, arranged and operated to minimize adverse impact on the neighboring properties;
 - xv. A preliminary time schedule for completion of the entire project. If the planned business park is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indication:
 - (1) the approximate date when construction is expected to begin;
 - (2) the order in which the phases of the project will be built; and
 - (3) the minimum area and the approximate location of common open space and public improvements that will be required.
 - (4) A statement of financial responsibility describing what bond, credit, escrow or other assurance the applicant proposed in order to ensure the proper completion of the planned district within the proposed time schedule and required open space and improvements;
 - (5) A statement describing the proposed means of assuring the continued maintenance of common space or other common elements and governing the use and continued protection of the planned business park.

The P-B district shall be established only upon application, after public hearing as specified in the amendatory procedures of Article XVIII, and shall require an approved preliminary site plan according to the procedures of this subsection. The planning commission shall study the preliminary site plan and supporting data and may make suggestions for changes and adjustments.

- xvi. Effect of site plan approval: Approval of a site plan under subsection (15), above shall permit the applicant to apply for any other permits and approvals including, but not limited to, building permits, certificates of occupancy, and

other permits and approvals required under the Subdivision Regulations and the Building Code.

- xvii. Period of validity: If construction of the planned business park is not started within two (2) years of the date of the final site plan approval, the City of Hernando may consider rezoning the site to its previous classification. The applicant, by showing good cause why he cannot adhere to the approved timetable (described in subsection (15) d, above) may seek an extension of not more than one (1) year at a time. A request for extension shall be submitted in writing to the planning commission.
- xviii. Amendment to approved site plan: A site plan may be amended in accordance with the procedures and standards which governed its approval.

e. "P-O" PLANNED CORPORATE OFFICE DISTRICT

- i. The purpose of the P-O Planned Office District is to permit offices and associated administrative, executive, professional uses, and limited commercial retail and personal service uses in a high-quality, campus-like setting, according to a unified plan, rather than on a lot-by-lot basis. The uses and standard in this district are intended to promote flexibility and innovation in site design and enhance the environmental quality and attractiveness of office parks in the community, and assure the compatibility of the office park with adjacent land uses.

ii. Permitted Uses

- (1) A planned office park, occupied by any combination of the following uses
- (2) Offices, but not single use developments which can be located in other zoning classifications
- (3) Public buildings
- (4) Radio or TV studios, including communication towers, subject to FCC regulations
- (5) Utility structures providing services within the park, including telephone switching centers, electric transmission lines, gas piping, water pumping stations, and other necessary structures
- (6) Any permitted use listed in subsection 1, above to be located in an individual building or lot within an existing planned office park
- (7) Any of the following accessory uses within building in a planned office park, and primarily intended to serve employees and visitors of the park:
 - (a) Cafeterias or
 - (b) Commercial retail establishments, not exceeding 5,000 square feet
 - (c) Banks or similar financial institutions
 - (d) Day Care Centers, subject to the following additional

standards:

- (i) The property is located on a collector street, major road, minor street or private drive that serves only nonresidential uses or zoning districts, or on a minor street within 100 feet of an intersection major street
 - (ii) Screening of the play and parking areas from adjacent properties may be required.
 - (iii) The maximum number of children to be accommodated on a site shall be specified
 - (iv) The following minimum areas shall be provided per child: 30 square feet of indoor play area, exclusive of restrooms, hallways, kitchen or office space; 30 square feet of indoor rest area; and 50 square feet of usable outdoor play area
 - (v) State and local health, education, and/or fire regulations may reduce but shall not increase the number of students permitted to be enrolled
 - (vi) Living quarters custodian, caretaker or watchman
 - (vii) Personal service establishments, including health and fitness centers, primarily intended to serve occupants or business and research uses allowed in the P-O District
 - (viii) Restaurants, but not drive-in restaurants
- (8) Development Standards - All development proposed within the Planned Office District shall comply with the following specific standards:
- (a) Minimum yard requirements - Except for allowable accessory uses (see Article X, paragraph 6) no building or structure shall be located within the following minimum yards:
 - (i) Minimum front yard abutting driveway right-of-way 40 feet
 - (ii) Minimum front yard abutting driveway or internal street: 25 feet
 - (iii) Minimum side and rear yard abutting property zoned or used for residential purpose: 40 feet
 - (iv) Minimum side and rear yard abutting property zoned or used for nonresidential purpose: 25 feet
 - (v) Minimum frontage on public right-of-way for P-O District: 200 feet
 - (b) Height
 - (i) Except as provided in subsection b of this Section: 45
 - (ii) The maximum height limitations in subsection a of

this Section shall not apply to heating and ventilation equipment, communication towers or utility structures, except that no structure exceeding 45 feet shall be located within 200 feet of any property zoned or used for residential purposes.

- (iii) Maximum floor area ratio (FAR): The total FAR of all buildings with a P-O District shall not exceed: 0.05.
- (c) Common open space requirements
- (i) A minimum of 20 percent of the gross land area within a P-O District shall be set aside as common open space to provide for the recreational needs of employees and visitors of the office park.
 - (ii) "Gross land area" shall not include parking areas, driveways, or other impervious surfaces that are not usable for the activities described in subsection c, below.
 - (iii) Required open space shall be usable for active recreational activities, such as jogging, golf or tennis, or passive recreation uses, such as sitting, scenic viewing or lunch breaks. Open space areas shall be attractively landscaped and may contain water features, park benches, gardens, planting strips, trails, tennis courts or other recreational or landscaping amenities.
- (d) Ownership and maintenance of common elements
- (i) Common elements, such as undedicated streets or drives recreational and parking facilities, open space and sanitary and storm sewers, shall be either:
 - (ii) maintained by the owners of the planned business park, pursuant to a maintenance agreement approved by the City Attorney;
 - (iii) conveyed to and maintained by a common owner or property owners association, pursuant to covenants or a maintenance agreement approved by City Attorney; or
 - (iv) conveyed to a public body if such public body agrees to accept conveyance and to maintain the open space and any buildings, structures or improvements located within it.
 - (v) If common elements are to be maintained by a property owners association, the developer shall establish restrictive covenants for the entire project

area. The restrictive covenants must be submitted to show compliance with these district regulations, but will not be reviewed as to form, legality or methods of enforcement. Those covenants must, at a minimum

- 1) Create a property owners association;
 - 2) Provide for the maintenance of individual sites, common open spaces and private streets;
 - 3) Provide for minimum development and operational standards for each site which require adherence to local ordinances and establish uniform landscaping, signage, site design, parking and loading standards. The covenants may include additional restrictions or requirements at the discretion of the developer
 - 4) Off-street parking and loading space requirements
- (vi) Minimum number of spaces. Off-street parking facilities must conform to city standards set out in Chapter XV of this Zoning Ordinance, or in lieu of such standards, to requirements established by the City of Hernando.
- (e) Location of parking areas. Off-street parking areas shall be conveniently accessible to uses within a planned business park. Parking areas are strongly discouraged within front yards or setbacks adjacent to major streets
- (f) Landscaping. Parking areas shall be landscaped according to the provisions of subsection 10
- (g) Outdoor Storage areas may be permitted as an accessory use on an individual lot with a planned office park, provided that such storage is completely screened from adjoining uses within and outside the park as well as from public rights-of-way. The screening must be effective at the time it is installed, even if plant materials are used for all or part of the screening. Access through the screening for vehicles is permitted, but is limited to one 30 foot wide location per street frontage. No outside storage areas shall be permitted within any required setback or yard. In no event may the amount of land devoted to outside storage exceed 20 percent of an individual lot area.
- (h) Screening requirements: Refuse containers, dumpsters, rooftop and outdoor HAVOC equipment shall be screened

with vegetation, fencing or berms so they are not visible from any street or adjacent property. Buildings or structures abutting a residential zone or use shall also be appropriately screened via perimeter landscaping, as provided in subsection 10, below

- (i) Landscaping requirements
 - (i) Street trees. Street trees shall be planted along all public and private streets within and adjoining any planned business park, as illustrated in "Place C" in the appendix to the Zoning Ordinance.
 - (ii) Perimeter landscaping. Planting strips shall be provided along lot lines abutting any property zoned or used for single family residential purposes, as illustrated in "Plate A" in the appendix to the Zoning Ordinance.
 - (iii) Parking lot landscaping. All parking lots designed for 20 or more vehicles shall be landscaped, as illustrated in "Plate B" in the appendix to the Zoning Ordinance.
- (j) Lighting requirements
 - (i) Lighting shall be provided in accordance with a plan designed by the appropriate utility company.
 - (ii) Lighting for safety shall be provided at intersection, along walkways, at entryways, between buildings, and in parking areas
 - (iii) Lighting shall be directed downward or shielded to avoid hazards to drivers or glare on abutting residential uses
- (k) Undergrounding of utility lines: All utility lines such as electric, telephone, cable television, or other similar lines must be installed underground. This requirement applies to lines serving individual sites as well as to security and street lighting within the park. However, distribution lines which service the entire site may be located above ground. All utility boxes, transformers, meters, and similar structures must be screened from public view.
- (l) Access and traffic considerations
 - (i) Planned office parks shall be accessible from the existing or proposed street network in the vicinity. At least one distinctive main gateway entrance to the park shall be provided. Access to the park shall be designed to discourage outside through traffic
 - (ii) Curb cuts providing access to major streets shall be

- spaced a minimum of 400 feet from any other curb cut
- (iii) Traffic generated by occupants and users from the park shall not exceed traffic capacity standards established for the adjacent road network. A traffic impact study may be required to determine whether road improvements will be required
- (m) Circulation system requirements: Separate circulation systems shall be provided for pedestrians, automobiles and delivery trucks.
- (i) Pedestrian circulation. Sidewalks shall be provided along any roadways that are served by bus or vanpool service, and between buildings or to parking areas or transit stops. The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to protect the public safety and provide safe and convenient pedestrian routes. Except where topography makes it impracticable, sidewalks shall be appropriately designed, graded, constructed and surfaced to be readily usable by individuals in wheelchairs. Curb ramps
 - (ii) Automobile circulation. The street circulation system serving a planned office park shall be internally oriented
 - (iii) Delivery truck circulation. Truck traffic and its related circulation system shall be separated, whenever feasible from automobile and pedestrian circulation system. Separate delivery entrances and circulation routes shall be clearly identified with appropriate signage.
 - (iv) Emergency vehicles. The street circulation system within a planned business park should be designed to ensure easy access for and maneuvering of emergency vehicles
- (n) Sign Regulations
- (i) The general sign regulations of Article XII of this ordinance shall apply in P-O Districts, in addition to the following special standards.
 - (ii) All signs within the P-O District shall be either wall signs or ground signs, not exceeding 6 feet in height and landscaped with at least two
 - (iii) evergreen shrubs for each sign face. (See illustration

- below)
- (iv) Maximum number: 1 ground sign at each entrance to the park, 1 wall sign or ground sign for individual uses within the park, and any number of signs needed to provide directions, identity parking areas or aid in the safe and efficient traffic circulation within the park.
 - (v) Maximum gross surface area of entrance sign: (48) square feet. Individual 2 x 4
 - (vi) The following sign types shall be prohibited within a P-O District: permanent off-premise signs, pole signs, portable signs, roof signs, flashing signs, banners, streamers and other attention-getting devices
 - (vii) A uniform sign plan shall be submitted and approved for each planned office park. The uniform sign plan shall specify consistent sizes, materials and colors of signs to be used throughout the property, or shall establish a hierarchy of different types of signs, consistent for all signs in each category. The design, colors and materials used for signs shall be compatible with the buildings which the signs serve
- (o) Architectural design guidelines
 - (i) Buildings within a P-O District should conform to a uniform architectural style
 - (ii) Metal "shed" type warehouse buildings prohibited. Exteriors of natural materials, such as concrete, brick, granite, or wood, are more compatible with the purposes and character of the P-O District
 - (iii) The entrance or entrances to a park should receive special emphasis in design and construction. It should set the tone for the development within and should create in identity for the project at the project street frontage. Special attention should be paid to signage, landscaping, street configuration, future transit potential and traffic circulation. At a minimum, a divided street entrance must be used at the principal entrance to the site.
- iii. Administrative site plan review in existing P-O District
 - (1) An application for approval of any use listed as a permitted use in the P-O District shall be accompanied by an application form and an administrative site plan presenting the following information
 - (2) The name, address and telephone number of the applicant;
 - (3) If different from the applicant, the name, address, and telephone

- number of the owner or other persons having a contractual interest in the property for which site plan approval is requested
- (4) The street address and legal description of the property
- (5) The zoning classification for the property;
- (6) The proposed use of the property;
- (7) A site plan drawn at the scale specified on the application form, including the following information
 - (a) The survey showing the property boundary lines and dimension; the gross land area of the site; available utilities; easements, roadway, rail lines and public right-of-way crossing and adjacent to the subject property
 - (b) The location, size and arrangement of proposed buildings and existing buildings which will remain if any, including height in stories and feet, total floor area and floor area ratio
 - (c) The proposed use of buildings
 - (d) Yard dimensions
 - (e) The location, dimensions and number of all circulation elements, including streets, roadways, driveways, entrances, curbs, curb cuts, parking stalls, loading spaces and access aisles, sidewalks, walkways, including slopes and gradient of streets and driveways
 - (f) Any proposed major regrading of the site and the general location of any significant topographical or physical features of the site, including at least water courses
 - (g) The location of all existing and proposed surface and subsurface drainage facilities.
 - (h) The location, size and arrangement of all outdoor signs and lighting;
 - (i) The location and height of fences or screen planting and the type or kind of building materials or plantings to be used for fencing or screening
 - (j) The location and total area of common open space and proposed uses of such open space
 - (k) All certificates, seals and signatures required for the recordation of documents;
 - (l) If easements, dedications or other property rights are conveyed thereon, then in addition, the signatures of any mortgages.

- iv. The building official shall approve site plans required under subsection a, above if he finds them to be in compliance with city ordinances or resolutions. Approval by the Building Official shall not waive or modify any provisions of the Zoning Ordinance. The Building Official shall obtain a

- written report from the
- v. An applicant may appeal the Building Official's decision or the conditions imposed by the Building Official to the Mayor and Board Aldermen by filing as provided in Article XVI of the Zoning Ordinance.

 - vi. Preliminary and final site plan review in proposed P-O District - An application for rezoning to the P-O District shall be accompanied by a preliminary site plan and text presenting the following information:
 - (1) Information required under subsection C 1, above;
 - (2) A site plan, drawn to a scale of not less than two hundred (200) feet to the inch, including the following information
 - (a) Property boundary lines and dimensions, topography and location map;
 - (b) Natural conditions, including the general location and extent of tree covers; location and extent of water courses, marshes and flood plains on or within 100 feet of the subject property; existing natural drainage patterns and soil conditions;
 - (c) A general grading and landscape plan including the location of major existing trees and vegetation that is to be retained;
 - (d) The general location and maximum amount of area to be devoted to common open space and to be conveyed, dedicated or reserved for parks, playgrounds, public buildings, and other common use areas
 - (e) General locations and types of utilities and easements including storm drainage as well as general details of all surfaced areas
 - (f) The approximate location and general description of type of landscaping, planting or fencing and other treatment to provide buffers to surrounding property;
 - (g) A tabulation of maximum floor area to be constructed and the proposed maximum floor area ratio;
 - (h) The maximum height of any building or structure;
 - (i) A general traffic analysis, estimating the traffic volumes and movements to and from the completed project from the boundary streets;
 - (j) A written statement generally describing the relationship of the proposed planned business park to the General Development plan and how the proposed park is to be designed, arranged and operated to minimize adverse impact on the neighboring properties;
 - (k) A preliminary time schedule for completion of the entire project. If the planned business park is proposed to be constructed in stages or units during a period extending

beyond a single construction season, a development schedule indication:

- (i) the approximate date when construction is expected to begin;
- (ii) the order in which the phases of the project will be built; and
- (l) the minimum area and the approximate location of common open space and public improvements that will be required
- (m) A statement of financial responsibility describing what bond, credit, escrow or other assurance the applicant proposed in order to ensure the proper completion of the planned district within the proposed time schedule and required open space and improvements; and
- (n) A statement describing the proposed means of assuring the continued maintenance of common space or other common elements and governing the use and continued protection of the planned business park
- (o) Plans submitted in accordance with paragraph (3) 15 & 16

The P-O district shall be established only upon application, after public hearing as specified in the amendatory procedures of Article XVIII, and shall require an approved preliminary site plan according to the procedures of this subsection.

The planning commission shall study the preliminary site plan and supporting data and may make suggestions for changes and adjustments.

- vii. Effect of site plan approval: Approval of a site plan under subsections above shall permit the applicant to apply for any other permits and approvals including, but not limited to, building permits, certificates of occupancy, and other permits and approvals required under the Subdivision Regulations and the Building Code.
- viii. Period of validity: If construction of the planned office park is not started within two (2) years of the date of the final site plan approval, the City of Hernando may consider rezoning the site to its previous classification. The applicant, by showing good cause why he cannot adhere to the approved timetable (described in subsection above) may seek an extension of not more than one (1) year at a time. A request for extension shall be submitted in writing to the planning commission
- ix. Amendment to approved site plan: A site plan shall be amended in accordance with the procedures and standards which governed its approval, except for minor deviations, including but not limited to:
 - (1) A less than 5% increase in the floor area;
 - (2) A less than 10% decrease in required parking spaces or common

- open space;
- (3) The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan for:
 - (a) Less than 25 feet for site plans of less than 2 acres
 - (b) Less than 50 feet for site plans of 2-8 acres;
 - (c) Less than 100 feet for site plans of 8-20 acres;
 - (d) Less than 150 feet for site plans of more than 20 acres; or
- (4) The correction of drafting errors on the approved site plan.

f. THE "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

- i. The purpose of the Planned Unit Development District is to provide for the development of planned total communities that provide a full range of residential types as well as certain commercial, office or light industrial uses designed to serve the inhabitants of the districts consistent with the General Development Plan. For purposes of this ordinance a Planned Unit
 - ii. Development shall be a tract of land, under single, corporation, firm, partnership or association ownership, planned and developed as an integrated unit, in a single development operation or a programmed series of development operations and according to an approved Preliminary Site Plan.
 - iii. Preliminary Site Plan Required - The "PUD" District shall be established only upon application, after public hearing as specified in the amendatory procedures of Article XVIII and shall require an approved Preliminary Site Plan which when zoning is granted will govern the development of the land and all development plans thereof.
 - iv. Permitted Uses - A list of permitted uses within each Planned Unit Development must be submitted with the application for establishment of the District and the preliminary site plan and must be approved by the Planning Commission upon application by the owner of the property.
 - v. Procedures – An application for rezoning to "PUD" District shall be accompanied by a Preliminary Site Plan and text presenting the following information:
 - (1) Proposed land uses and population densities
 - (2) Proposed primary circulation pattern
 - (3) Proposed parks and playgrounds
 - (4) Delineation of the units or phases to be constructed together with a proposed timetable
 - (5) Proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space,

- (6) Relation to the City ~~Comprehensive~~ General Development Plan, land uses in the surrounding area and to the general plan of the PUD.

Rezoning procedures shall be in accordance with Article XVIII of this ordinance. Following the initial rezoning procedure, the proposed development shall follow all applicable procedures and requirements governing the subdivision of land. No building permit shall be issued until a final plat of the proposed development, or portion thereof, is approved, filed and recorded. No building designed or intended to be used, in whole or in part, for commercial purposes shall be constructed prior to the construction of less than 25% of the dwelling units proposed in the plan, or construction of 100 dwelling units, whichever is smaller. If construction of the "PUD" District is not started within two years of the date of approval, the Mayor and Board Aldermen may consider rezoning the site to its previous classification.

The applicant, by showing good cause why he cannot adhere to the proposed timetable described in d (4), may seek an extension of not more than one (1) year at a time. A request for extension shall be submitted in writing to the Planning Commission.

- vi. Review Standards: The site plan must provide for and conform entirely to the following standards and requirements:
 - (1) In order to encourage ingenuity, imagination, and high quality design, regulations on residential areas will not specify minimum lot area per dwelling unit but will limit density in residential areas to 5 families per acre in single family dwellings or 20 families per acre in multifamily dwellings, subject to the appropriate provision of municipal services. This will allow clustering of dwellings to provide maximum open space.
 - (2) Street widths and improvements, thereof, as well as off street parking facilities must conform to city standards or in lieu of such standards, to requirements established by the City of Hernando
 - (3) Provisions for water supply, sanitary sewers, storm water drainage, and connections shall be made to the satisfaction and requirements of the City of .Hernando and the appropriate State authority.
 - (4) All improvements are to be installed and maintained by the developer unless other arrangements approved by the City of Hernando are made.
 - (5) The City of Hernando may require other special improvements as they are required if they are deemed reasonable and essential, and may require that appropriate deed restrictions to be filed enforceable by the City of Hernando for 20 years.
 - (6) A minimum total area of 10% of the gross residential area shall be set aside as parks and playgrounds. Of this 10%, a maximum of one half may be covered with water. A maximum of 5% of the area designated to be parks and playgrounds may be covered with structures to be used in the recreational use of the area. Parks and

playgrounds must be suitably improved for its intended use but parks and playgrounds containing natural features clearly worthy of preservation may be left unimproved.

- (7) The developer shall also submit sketches of the plat-for the entire project showing the relationship of uses, street patterns, open space and the general character of the proposed development, including a schematic drawing illustrating a typical segment of the development

g. THE "EO" ENVIRONMENTAL OVERLAY DISTRICT

- i. The purpose of this district is to permit certain non-intensive uses in areas which are subject to periodic flooding and to protect such areas from other types of development except where adequate assurance is given that the development will be protected from flooding. **The City of Hernando Flood Plain Management Ordinance shall apply to the properties located in this district.** The regulations hereinafter set forth in this section shall apply to the property located in this district. District boundaries will be delineated by the Administrator of the Federal Flood Insurance Program on the Flood Hazard Boundary Map or where applicable from the Corps of Engineers Study along with water surface elevations for the one hundred (100) year flood which will be used to determine to what level structures will be elevated or flood proofed. The Flood Control District shall overlay other districts on land located in the flood plains as shown on the Zoning District Map which is a part of this ordinance. Such regulations qualify or supplement, as the case may be, the regulations of the "A", "R", "O", "C", or "M" Districts in which such property is located.

h. THE "H-1" HISTORIC OVERLAY ZONING DISTRICT

- i. Purpose and Intent

It is the intent of this district to preserve the historic sites and structures of the City of Hernando. The requirements of the district are designed to protect and preserve historic and/or architectural value; create an aesthetic atmosphere, strengthen the economy, protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; and to promote education and patriotic heritage of the present and future citizens of the community.

- ii. Permitted Uses

- (1) Any use permitted by the existing zoning classification is also

permitted by the H-1 Historic District.

iii. Conditional Uses

- (1) Any use listed as a conditional use by the existing zoning classification is also permitted by the H-1 Historic District

iv. Yard and Bulk Requirements

- (1) Each Site in the City of Hernando Historic District shall be subject to such bulk requirements are listed in the existing zoning classification

v. Additional Regulations

- (1) Any designated Historic Overlay Zone shall demonstrate a quality of significance in American history, architecture, archeology and culture and shall possess integrity of location, design, setting, materials, workmanship, feeling and association. Further, areas eligible for Historic Overlay District designation shall demonstrate all or some of the following characteristics:

- (a) Association with events that have made a significant contribution to the broad patterns of our history; or
- (b) Association with the lives of persons significant in our past; or
- (c) Embodiment of distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity who's components may lack individual distinction; or
- (d) Potential for yielding archaeological information.

- (2) Historic District Commission Recommendation

- (a) No Historic Overlay District shall be implemented without the recommendation of the Hernando Preservation Commission in accordance with the terms of the Hernando Preservation Ordinance as adopted on March 17, 1997.

- (3) Exterior Building Appearance and Quality

- (a) When there is construction, alteration or repair of any structure within the H-1 Historic Overlay Zone, the same

shall be subject to review by the Hernando Preservation Commission in accordance with the duties, responsibilities, and procedures as set forth in the Hernando Preservation Ordinance.

(4) Design Guidelines

- (a) The following Design Guidelines shall be observed when designing any new construction, alteration or repair of any structure within the H-1 Historic Overlay Zone. Design guidelines are criteria and standards which the Hernando Historic Zoning Commission must consider in determining the appropriateness of proposed work within a historic district.

vi. General Guidelines for Rehabilitation of Existing Structure

- (1) Every reasonable effort shall be made to provide a compatible use for property which requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
- (2) The distinguishing original qualities or character of a building, structure or its site and its environment shall not be destroyed. The removal or alternation of any historic material or distinctive architectural feature should be avoided when possible.
- (3) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and this significance shall be encouraged.
- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the

availability of different architectural elements from other buildings or structures.

- (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.
- (9) New design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (10) Where possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- (11) The use of aluminum or vinyl siding or other such trim work is not expressly prohibited, but is discouraged. The use of such, however, should utilize materials which meet the character of the era in which said structure was originally constructed in terms of color and other characteristics.

vii. Alterations to Existing Buildings and Property

- (1) Definition - A change in building material; the addition or elimination of any architectural feature of a structure; a repair that reconstructs any part of an existing building; an addition that extends or increases floor area or height of any building; or construction of an appurtenance.
- (2) General Principles - These guidelines shall apply only to the exteriors of buildings and to areas of lots visible from public rights-of-way.
 - (a) Proposals for exterior work to be done on public facades - front and street related elevations shall be more carefully reviewed than that the level of review given other facades.
 - (b) Every reasonable effort shall be made to provide a compatible use for a property, requiring minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
 - (c) The distinguishing original qualities or character of a building structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided.

- (d) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have historical basis and which seek to create an earlier appearance shall be discouraged.
- (e) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.
- (f) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- (g) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures. When no physical or pictorial evidence is available, design of features may be based on conjecture.
- (h) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that damage historic building materials shall not be undertaken.
- (i) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.
- (j) New design for alterations and additions to existing properties shall not be discouraged when such alterations or additions do not destroy significant historical, architectural, size, scale, color, material and character of the property, neighborhood or environment.
- (k) Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(3) Additions

- (a) Additions are areas that increase the living or working space

of a structure. This does not include the addition of architectural elements.

- (b) Generally, an addition should be situated at the rear of the building in such a way it does not disturb either front or side public facades.
- (c) Additions should follow the guidelines for new conditions.

(4) Roofs

- (a) Original roof pitch and configuration should be maintained.
- (b) The original size and shape of dormers should be maintained. Dormers generally should not be introduced where none existed originally.
- (c) Original roof materials and color should be retained. If replacement is necessary, original materials should be used. Asphalt shingles may be substituted for original roofing when it is not economically feasible to replace or repair with original materials or when the original roof is beyond repair. The color and texture of asphalt shingles should be appropriate to the architectural style and period of the structure.

(5) Porches

- (a) Original details and shape - outline roof height and roof pitch - should be retained.
- (b) Original porch materials and architectural details should be maintained. If different materials are substituted, they should be appropriate to the architectural style and period of the house
- (c) The enclosing of front porches is inappropriate.
- (d) The enclosing of side porches may be considered appropriate if the visual openness and character of the of the original porch is maintained.

(6) Windows

- (a) The original size and shape of windows should be maintained.
- (b) The original number and arrangement of panes should be maintained.
- (c) The characteristic window shape in the area is vertically rectangular higher than it is wide. Horizontal windows and picture windows are generally not appropriate.
- (d) New window openings should not be introduced unless they match the existing window configuration and their placement

- harmonizes with the existing rhythm of openings.
 - (e) Original windows should not be filled in.
- (7) Doors
- (a) The original size and shape of door openings should be maintained.
 - (b) Original transoms, side lights and doors should be maintained.
 - (c) Replacement doors should be compatible with original doors in terms of style and material. Flush doors are generally inappropriate.
 - (d) Generally, new door openings should not be introduced on facades visible from the street.
 - (e) Original door openings should not be filled in.
- (8) Architectural Details
- (a) Original details should not be removed.
 - (b) The replacement of irreparable details should be close visual approximations of originals.
 - (c) The replacement of missing original details should be based on accurate duplication, or should be close visual approximations of the originals, based on historic, physical or pictorial documentation.
 - (d) Architectural details of any period or style not original to the building shall not be introduced.
 - (e) Changes that have taken place in the course of time which are evidence of the history and development of a building and its environment may have acquired significance in their own right; their significance should be recognized and respected.
- (9) Materials
- (a) Original building materials include wood, brick, stone, terra cotta and stucco. Original roof materials include slate, metal and on twentieth century buildings, asphalt shingles.
 - (b) Original building and roofing materials should be retained. If replacement is necessary, it should be with original material appropriate to the architectural style and period of the house.
- (10) Masonry
- (a) Masonry repainting should be done with care to match the original mortar color. The use of portland cement should be avoided when repointing old brick.

- (b) Original tooling configuration and joint width should be maintained.
 - (c) Cleaning should be done with the gentlest means possible. Since sandblasting causes severe damage to brick and mortar, its use should be avoided.
 - (d) The painting of brick is inappropriate unless it is mismatched or so deteriorated that it can not withstand weather. If painting is necessary, original natural color should be used.
 - (e) Painting of stone is inappropriate.
- (11) Wood
- (a) Wood siding should be retained if possible. Original siding should not be covered or replaced with a material or texture not original and not aesthetically compatible.
 - (b) Replacement wood siding should be consistent with the original in size, direction and lap dimension.
 - (c) Original wall shingles should be maintained.
- (12) Color
- (a) The Hernando Preservation Commission shall approve appropriate historic paint colors in conjunction with requests for certificates of appropriateness.
- (13) Appurtenances
- (a) Appurtenances related to a building (fence, walls, street lamps, steps, paving, sidewalks and signs) should be visibly compatible with the environment to which they are related.
- (14) Fences
- (a) Low retaining walls in front yards should be kept where they exist. Introduction of retaining walls where none existed should be avoided
 - (b) New or reclaimed iron fencing may be appropriate for properties with pre-1900 houses. Iron fencing is generally not appropriate for later houses.
 - (c) Wood picket fences are appropriate in front and /or rear yard of houses.
 - (d) Board fences, usually taller, with wider boards set close together, are appropriate only around rear yards.
 - (e) Chain link or woven fences are generally inappropriate for front or visible side yards. They may be used in rear yards. If a portion of a rear fence is visible from the street, it should

be camouflaged.

(15) Signs

- (a) The appearance, size, position, method of attachment, texture of materials, color and design of signs shall be in keeping with the collective characteristics of the structure surrounding the property on which the sign will be located.
- (b) Off-site signs shall not be permitted.
- (c) Business signs shall comply with the Hernando Sign Ordinance except as modified as follows:
 - (i) Buildings and signs may be illuminated by remote light sources, provided that these light sources are shielded to protect adjacent properties.
 - (ii) Signs attached to the structure shall not cover any architectural detail.

(16) Landscaping

- (a) All aspects of site development should be sympathetic to the character of landscape development, type of plans and spatial treatment of adjacent properties.
- (b) Wherever possible, healthy existing trees should be retained, as they are amenity requiring many years to replace. Grading and construction should avoid disturbance to such trees.
- (c) To provide a consistent effect in residential areas, the preferred street trees are 2-2 ½" calliper oak, planted on average 50' on center.
- (d) To provide a more immediate effect in commercial areas and offset the larger scale structures, the preferred street trees are 3-3 ½" caliper oak, planted no further apart than 50' on center.
- (e) Evergreen species are desirable for screening views, such as views into parking or service areas.
- (f) As an extension of the surrounding natural landscape, plant species should be native or well-adapted to the region.
- (g) Suggested shade tree species include: Willow Oak, Pin Oak, Scarlet Oak, Bald Cypress, Tulip Tree, Honey locust and Red Maple.
- (h) Suggested flowering tree species include: Magnolia, Crape Myrtle, Washington Hawthorne, Goldenrain Tree, Red Bud, Japanese Cherry, Crabapple and ~~Bradford Pear~~.

- (i) Suggested shrub species at 24" - 36" height include: Wax Leaf Ligustrum, Florida Jasmine, Variegated Privet, Elaeagnus, Golden Euonymus, Gold Spot Euonymus, Manhattan Euonymus, Japanese Cleyera, Burford Holly and Azalea.
- (j) Suggested shrub species at 18" - 24" height include: Andorra Juniper, Pfizer Juniper, Mugho Pine, Dwarf Japanese Holly, Dwarf Chinese Holly, Variegated Privet, Manhattan Euonymus and Florida Jasmine.
- (k) Suggested screening plants include: Lob Lolly Pine, White Pine, Virginia Pine, Savannah Holly, Foster Holly and Red Leaf Photinia.
- (l) On site areas adjacent to streets, lawn areas must be established or be sodded prior to occupancy of the project.
- (m) Planting plans approved by the Commission must be maintained as originally designed. Any diseased, dying or dead plants should be treated or removed by the property owner. Appropriate, durable plants should be installed.
- (n) Where needed, irrigation must be provided to ensure robust planting areas.
- (o) To prevent accidents, irrigation systems must be installed below ground, with spray heads flush with the ground surface.

viii. New Construction

- (1) Definition - The construction of any freestanding structure on any lot.
- (2) General Principles
 - (a) These guidelines shall apply only to the exteriors of buildings and to areas of lots visible from public rights-of-way.
 - (b) The public facades - front and street related elevations - of proposals for new buildings shall be more carefully reviewed than other facades.
 - (c) Since construction in a historic district has usually taken place continuously from the late nineteenth and early twentieth centuries, a variety of building types and styles result which demonstrate the changes in building tastes and technology over the years. New buildings should continue this tradition while complementing and being compatible with other buildings in the area.

- (d) Reconstruction may be appropriate when it reproduces facades of a building which no longer exists and which was located in the historic district if: the building would have contributed to the historical and architectural character of the area; if it will be compatible in terms of style, height, scale, massing and material with the buildings immediately surrounding the lot on which the reproduction will be built; and if it is accurately based on pictorial documentation.
- (e) Because new buildings usually relate to an established pattern and rhythm of existing buildings, other on the same and opposite sides of a street, the dominance of that pattern and rhythm must be respected and not disrupted.
- (f) New construction should be consistent with existing buildings along a street in terms of height, scale, setback and rhythm; relationship of materials, textures, details, color, roof shape, orientation and proportion and rhythm of openings.

(3) Height

- (a) New buildings shall be constructed to a height which is compatible with the height of adjacent buildings.
- (b) Scale
- (c) The size of a new building; its mass in relation to open spaces; and its windows, doors, openings and porches should be visually compatible with the surrounding buildings.

(4) Setback and Rhythm of Spacing

- (a) The setback from front and side yard property lines established by adjacent buildings must be maintained. When a definite rhythm along a street is established by uniform lot and building width, infill new buildings should maintain the rhythm.
- (b) All setbacks and yard requirements must have approval of the Hernando Zoning Appeals Board, if different from the current requirements of the Hernando Zoning Ordinance.

(5) Relationship of Materials, Texture, Details and Material Color

- (a) The relationship and use of materials, texture, details and material color of a new building's public facades shall be visually compatible with and similar to those of adjacent buildings, or shall not contrast conspicuously

(6) Roof Shape

- (a) The roofs of new buildings shall be visually compatible, by

not contrasting greatly with the roof shape and orientation of surrounding buildings.

(7) Orientation

- (a) The site orientation of new buildings shall be consistent with that of adjacent buildings and shall be visually compatible. Directional expression shall be compatible with the surrounding building, whether that expression is vertical, horizontal or non-directional.

(8) Proportion and Rhythm of Openings

- (a) The relationship of width to height of windows and doors and the rhythm of solids to voids in new buildings shall be visually compatible with the surrounding buildings.

(9) Additions to Existing Buildings

- (a) New additions to existing buildings should be kept to minimum and should be compatible in scale, materials and texture; additions should not be visually jarring or contrasting.
- (b) Addition should not be made to the public facades of existing buildings. Additions may be located to the rear of existing buildings in ways which do not disturb the public facades.
- (c) The creation of an addition through enclosure of a front facade porch is inappropriate and should be avoided.

(10) Outbuildings

- (a) Garages and storage buildings should reflect the character of the existing house and surrounding buildings and should be compatible in terms of height, scale, roof shape, materials, texture and details.
- (b) The location and design of outbuildings should not be visually disruptive to the character of the surrounding buildings.

(11) Appurtenances

- (a) Appurtenances related to new buildings, including driveways, sidewalks, lighting, fences and walls, shall be visually

compatible with the environment of the existing buildings and sites to which they relate.

(12) Sidewalks

- (a) Sidewalk additions and repair must be compatible with any existing sidewalk design and material.

ix. Demolition

- (1) Definition - The tearing down of a building.
- (2) General Principles - Since the purpose of historic zoning is to protect historic properties, the demolition of a building which contributes historically or architecturally to the character and significance of the district is inappropriate and should be avoided.

(3) Guidelines

- (a) Demolition is inappropriate:
 - (i) If a building is of such architectural or historical interest and value that its removal would be detrimental to the public interest;
 - (ii) If a building is of such old or unusual or uncommon design and materials that it could not be reproduced or be reproduced without great difficulty and expense, or;
 - (iii) If it proposed replacement would make a less positive visual contribution to the district, would disrupt the character of the district or would be visually incompatible.
- (b) Demolition is appropriate:
 - (i) If a building has lost its architectural and historical integrity and importance and its removal will not result in a more negative, less appropriate visual effect on the district;
 - (ii) If a building does not contribute to the historical or architectural character and importance of the district and its removal will result in a more positive, appropriate visual effect on the district; or
 - (iii) If the denial of the demolition will result in an economic hardship on the applicant as determined by the Hernando Preservation Commission.

x. Relocation

- (1) Definition - The moving of a building in a district from one site to

another.

xi. General Principles

- (1) The moving of an existing building which retains architectural and historical integrity and which contributes to the architectural and historical character of the district should be avoided.
- (2) The moving out of the district of a building which does not contribute to the historical and architectural integrity of the district or which has lost architectural integrity due to deterioration and neglect shall be appropriate if its removal or the proposal for its replacement will result in a more positive appropriate visual effect on the district.

xii. Guidelines for Relocation

- (1) Relocated buildings must be carefully rebuilt to retain and maintain original architectural details and materials.
- (2) A building may be moved into the district if it maintains a sense of architectural unity in terms of style, height, scale, massing, materials, texture and setback with existing buildings along the street.
- (3) A building may be moved from one site to another in the district if:
 - (a) the integrity of location and setting the building in its original location has been lost or is seriously threatened;
 - (b) the new location will be similar in setting and siting;
 - (c) the building will be compatible with the buildings adjacent to the new location in style, height, scale, materials and setbacks; and
 - (d) the relocation of the building will not result in a negative visual effect on the site and surrounding building from which it will be removed.

xiii. Exceptions

When the strict application of these design guidelines would result in severe hardship or injustice, the preservation commission may vary these guidelines so that a rehabilitation project may be conducted in a reasonable manner, but so that at the same time general intent and spirit of the design guidelines is preserved.

i. THE “TND” TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT

i. **General Provisions**

(1) **Purpose.** The purpose of this Article is to allow the optional development and redevelopment of land in Hernando consistent with the design principles of traditional neighborhoods. A traditional neighborhood generally:

- (a) Is compact;
- (b) Is designed for the human scale;
- (c) Provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within the neighborhood;
- (d) Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes; 5. Incorporates a system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and future developments;
- (e) Retains existing buildings with historical features or architectural features that enhance the visual character of the community;
- (f) Incorporates significant environmental features into the design;
- (g) Is consistent with Hernando’s General Development plan.

(2) **Applicability.** The traditional neighborhood development ordinance is an alternative set of standards for development within Hernando for new development of 15 acres or more contiguous to existing development, redevelopment or infill development of 10 acres or more.

(3) **Fees.** The Mayor and Board of Aldermen may, by resolution, establish fees for the administration of this ordinance.

ii. **Definitions**

(1) The following definitions shall be observed and applied, except when the context clearly indicates otherwise. Words used in the present tense shall include the future tense. Words used in the singular form shall include the plural form. Words used in the plural form shall

include the singular. The word "shall" is mandatory and the word "may" is permissive.

- (a) **Accessory Building** - a detached subordinate structure, the use of which is incidental to that of the principal structure and located on the same lot.
- (b) **ADT** - average daily traffic volumes of vehicles on a street.
- (c) **Affordable housing** - housing in which mortgage, amortization, taxes, insurance, and condominium and association fees, if any, constitute no more than 28 percent of gross household income for a household of the size which may occupy the unit. In the case of dwelling units for rent, housing that is affordable means housing for which the rent and utilities constitute no more than 30 percent of gross annual household income for a household of the size that may occupy the unit
- (d) **Alley** - a public or private way permanently reserved as a secondary means of access to abutting property.
- (e) **Arterial** - a major street for carrying a large volume of through traffic in the area, normally controlled by traffic signs and signals.
- (f) **Block** - a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.
- (g) **Building Height** - the limit to the vertical extent of a building. The building height may be prescribed as a maximum number of stories or as a dimension from sidewalk grade to the eave. The height limit shall not apply to attics, raised basements, chimneys, machine rooms, or similar structures.
- (h) **Building Scale** - the relationship between the mass of a building and its surroundings, including the width of street, open space, and mass of surrounding buildings. Mass is determined by the three-dimensional bulk of a structure: height, width, and depth.
- (i) **Building Setback, Front** - the distance from the street right-of-way line to the closest point of the foundation of a building or projection thereof.
- (j) **Collector** - a street designed to carry moderate volumes of traffic from local streets to arterial streets or from arterial to arterial
- (k) **Common Open Space** - squares, greens, neighborhood parks, Hernando parks, and linear environmental corridors owned and maintained by Hernando.

- (l) **Curb Radius** - the curved edge of streets at an intersection measured at the outer edge of the street curb or of the parking lane.
- (m) **Lot** - a parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including one main building, together with any accessory buildings, open spaces, and parking spaces required by this ordinance and having its principal frontage upon a street or upon an officially approved place.
- (n) **Lot Line** - the property lines bounding the lot
- (o) **Lot Width** - the horizontal distance between side lot lines measured at the front setback.
- (p) **Net acre** - an acre of land excluding street rights-of-way and other publicly-dedicated improvements such as parks, open space, and stormwater detention and retention facilities.
- (q) **Principal Building** - a building in which the primary use of the lot on which the building is located is conducted.
- (r) **Queuing** - the use of one travel lane on local streets with parking (usually an intermittent parking pattern) on both sides.
- (s) **Secondary Dwelling Unit** - An additional dwelling unit located within the principal dwelling on the lot, in a freestanding building or above a residential garage.
- (t) **Story** - a space in a building between the surface of any floor and the surface of the next floor above, or if there is no such floor above, then the space between such floor and the ceiling or roof above.
- (u) **Street** - a strip of land, including the entire right-of-way, publicly or privately owned, serving as a means of vehicular travel, and furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, shade trees, and sidewalks
- (v) **Traditional Neighborhood** - a compact, mixed use neighborhood where residential, commercial and civic buildings are within close proximity to each other.

iii. Application Procedure and Approval Process

- (1) Prior to the issuance of any permits for development within a Traditional Neighborhood Development, the following steps shall be completed according to the procedures outlined in this section:
 - (a) the applicant shall have had an initial conference;
 - (b) a General Implementation Plan and a zoning map amendment

to a Traditional Neighborhood Development District shall be approved by the Mayor and Board of Aldermen;

(c) a Specific Implementation Plan shall be approved by the Mayor and Board of Aldermen;

(2) **Initial conference.** Before submitting an application for a Traditional Neighborhood Development project, the applicant shall schedule an appointment and meet with the planner to discuss the procedure for approval of a Traditional Neighborhood Development project, including submittal requirements and design standards.

iv. General Implementation Plan

(1) **General Implementation Plan Process.** Following the initial conference, the applicant shall submit a general implementation plan to the Hernando planning staff together with an application for a zoning map amendment to a Traditional Neighborhood Development District.

(a) **General Implementation Plan Submittal Requirements.** The purpose of the general implementation plan is to establish the intent, density, and intensity for a proposed development. The General Implementation Plan shall include the following:

(i) A general location map of suitable scale, but no less than one inch = 200 feet, which shows the location of the property within the community and adjacent parcels including locations of any public streets, railroads, major streams or rivers and other major features within 1000]feet of the site.

(ii) A site inventory and analysis to identify site assets or resources, and constraints, including but not limited to floodplains, wetlands and soils classified as “poorly drained” or “very poorly drained,” soils with bedrock at or within 42 inches of the surface, utility easements for high-tension electrical transmission lines (>69KV), steep slopes greater than 15%, and brownfields.

(iii) A conceptual site plan, at a scale of no less than one inch = 100 feet, which indicates topography in two foot contours for sites with 15 feet or more of local relief, or one foot contours for local sites with less than 15 feet of local relief, consisting of a map with proposed features and existing site features and uses that will remain. These features should include

building outlines, location of streets, transit stops, drives and parking areas, pedestrian and bicycle paths, service access areas for receiving material and trash removal, and other impervious surfaces. The location of proposed and existing to remain trees and shrubs should also be included, along with any other significant features.

- (iv) A conceptual storm water management plan identifying the proposed patterns of major stormwater runoff, locations of stormwater infiltration areas, and other significant stormwater best management practices
- (v) Identification of the architectural style(s) of the Traditional Neighborhood Development and the accompanying site design style(s). The design style of the Traditional Neighborhood Development shall be conveyed with drawings or computer simulations of typical proposed building elevations (including dimensions of building height and width, and facade treatment).
- (vi) A written report that provides general information about the covenants, conservation easements, or agreements which will influence the use and maintenance of the proposed development. The report shall also describe the site conditions and the development objectives
- (vii) Any other information deemed necessary by Hernando in order to evaluate plans.
- (viii) Ten copies of the above information shall be submitted plus one reduced set no larger than 8-1/2 inches by 11 inches

(2) **Specific Implementation Plan.** The purpose of the Specific Implementation Plan is to establish a detailed development proposal. The Specific Implementation Plan can be proposed, reviewed, and acted upon as whole or in part or phases.

- (a) **Specific Implementation Plan Process.** Following approval of the General Implementation Plan, the applicant shall submit a Specific Implementation Plan to the planning staff
 - (i) Within 30 days following receipt of the Specific Implementation Plan, the Planning Commission shall receive a report from the planning department

recommending approval, disapproval or approval with specified modifications. The Planning Commission shall determine that the proposed Specific Implementation Plan is in substantial conformance with the approved General Implementation Plan. Upon due consideration, the Planning Commission shall recommend that the Mayor and Board of Aldermen either:

- 1) approve the Specific Implementation Plan as being in substantial conformance with the General Implementation Plan;
- 2) approve the Specific Implementation Plan as being in substantial conformance with the General Implementation Plan with specified modifications; or
- 3) deny the Specific Implementation Plan.

(ii) b. Following Planning Commission recommendation, the Mayor and Board of Aldermen shall receive the recommendation from the Planning Commission and the report from the planning staff. Upon due consideration, the Mayor and Board of Aldermen shall either:

- 1) approve the Specific Implementation Plan as being in substantial conformance with the General Implementation Plan;
- 2) approve the Specific Implementation Plan as being in substantial conformance with the General Implementation Plan with specified modifications; or
- 3) deny the Specific Implementation Plan.

(b) Specific Implementation Plan Submittal Requirements. The applicant shall submit a series of plans, maps, and written materials which include the following information

- (i) A general location map of suitable scale which shows the boundaries and dimensions of the property within the context of Hernando and adjacent parcels, including locations of any public streets, railroads, major streams or rivers and other major features within 1000 feet of the site, along with a legal description of the property.(names of property owners)

- (ii) A site inventory and analysis to identify site assets or resources, and constraints, including but not limited to floodplains, wetlands and soils classified as “poorly drained” or “very poorly drained,” soils with bedrock at or within 42 inches of the surface, utility easements for high-tension electrical transmission lines (>69KV), slopes greater than 15%, and brownfields.
- (iii) A site plan, including proposed topographic contours at one foot intervals, with the following information
 - 1) the location of proposed structures and existing structures that will remain, with height and gross floor area noted;
 - 2) pedestrian lighting, including lamp intensity and height;
 - 3) the location of proposed open space;
 - 4) the circulation system indicating pedestrian, bicycle, and motor vehicle movement systems, including existing and proposed public streets or right-of-ways; transit stops; easements or other reservations of land on the site; the location and dimensions of existing and proposed curb cuts, off-street parking and loading spaces, including service access for receiving and trash removal; sidewalks and other walkways
 - 5) location of all trees, shrubs, and ground cover (proposed or existing) to remain on the site.
- (iv) A stormwater management plan for the site. The grading plan shall show existing and proposed ground elevations with contours (one-foot contour interval) and spot elevations at significant high points, low points, and transition points. The grading plan shall also note the finished ground floor elevations of all buildings. The plan shall also show the locations of all storm drainage sewers and structures, and infiltration or detention/retention structures; and all wetlands on the site, using the Federal Manual For Identifying and Delineating Jurisdictional Wetlands, and copies of documents completed in making the wetlands identification.
- (v) Detailed elevations of all proposed commercial buildings and typical elevations of residential buildings. Scaled elevations should identify all signs,

building materials and percentage of ground floor commercial facade in windows; the location, height and material for screening walls and fences, including outdoor trash storage areas, electrical, mechanical and gas metering equipment, storage areas for trash and recyclable materials, and rooftop equipment. Commercial areas shall also be subject to the city's Design Standards.

- (vi) A utilities plan showing underground and above ground lines and structures for sanitary sewers, electricity, gas, telecommunications, etc
 - (vii) A written report which completely describes the proposal and indicates covenants or agreements that will influence the use and maintenance of the proposed development. The report also shall describe the analysis of site conditions and the development objectives.
 - (viii) Phasing plans, where applicable.
 - (ix) Any other information deemed necessary by the Mayor and Board of Aldermen in order to evaluate plans.
 - (x) Five copies of the above information shall be submitted, plus one reduced set no larger than 8-1/2 inches by 11 inches.
- (3) Amendments to the Specific Implementation Plan. Minor changes to the Specific
- (a) Implementation Plan adopted by the Mayor and Board of Aldermen may be approved by the Planning Department, provided that the changes do not involve:
 - (i) Increases or decreases of less than 10% in floor area of structures or number of dwelling units.
 - (ii) Change in exterior building material.
 - (iii) Alteration of any conditions attached or modification to the Specific Implementation Plan made by the Board.
 - (b) A major change to a Specific Implementation Plan which is less restrictive than any conditions of approval for the initial Specific Implementation Plan, shall require approval by a majority vote of all members of the Mayor and Board of Aldermen.

- (4) **Subdivision of Land.** If the Traditional Neighborhood Development involves the subdivision of land as defined in Hernando's subdivision ordinance, the applicant shall submit all required land division documents in accordance with the requirements of the subdivision ordinance. If there is a conflict between the design standards of the subdivision ordinance and the design guidelines of this ordinance, the provisions of this ordinance shall apply.
- (5) **Ownership and Maintenance of Public Space.** Provision shall be made for the ownership and maintenance of streets, squares, parks, open space, and other public spaces in a Traditional Neighborhood Development by dedication to Hernando.
- (6) **Recording of Documents.** The Traditional Neighborhood Development must follow the city's Subdivision Regulations including platting and recording requirements.

v. Traditional Neighborhood Development Design Standards

- (1) **Neighborhood Uses.** In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A traditional neighborhood development should consist of a mix of residential uses, a mixed use area, and open space as provided below
 - (a) **A mix of residential uses** of the following types can occur anywhere in the traditional neighborhood development. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the Traditional Neighborhood Development.
 - (i) Single-family detached dwellings,
 - (ii) Single-family attached dwellings, including duplexes, townhouses, row houses
 - (iii) Multifamily dwellings, including senior housing;
 - (iv) Secondary dwelling units (Agranny flats@)
 - (v) ASpecial needs@ housing, such as community living arrangements and assisted living facilities.
 - (b) **Mixed use area,** of commercial, residential, civic or institutional, and open space uses as identified below. All residents should be within approximately 1/4 mile or a 5 minute walk from existing or proposed commercial, civic, and open space areas. Individual businesses should not exceed 6000 square feet in size.
 - (i) Commercial uses.

- 1) Food services (neighborhood grocery stores; butcher shops; bakeries; restaurants, not including drive-throughs; cafes; coffee shops; neighborhood bars or pubs);
 - 2) Retail uses (florists or nurseries; hardware stores; stationery stores; book stores; studios and shops of artists and artisans);
 - 3) Services (day care centers; music, dance or exercise studios; offices, including professional and medical offices; barber; hair salon; dry cleaning)
 - 4) Accommodations (bed and breakfast establishments, small hotels or inns).
- (ii) Residential uses.
- 1) Single-family attached dwellings, including duplexes, townhouses, row houses;
 - 2) Multifamily dwellings, including senior housing;
 - 3) Residential units located on upper floors above commercial uses or to the rear of storefronts;
 - 4) “Live/work” units that combine a residence and the resident’s workplace;
 - 5) “Special needs” housing, such as community living arrangements and assisted living facilities.
- (iii) Civic or institutional uses
- 1) Municipal offices, fire stations, libraries, museums, community meeting facilities, and post offices;
 - 2) Transit shelters;
 - 3) Places of worship;
 - 4) Educational facilities.
 - 5) Open space uses.
 - 6) Central square;
 - 7) Neighborhood park;
 - 8) Playground.
- (iv) **Open space** uses identified below should be incorporated in the traditional neighborhood development as appropriate. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than central locations.

- 1) Environmental corridors;
- 2) Protected natural areas;
- 3) Community parks;
- 4) Streams, ponds, and other water bodies;
- 5) Stormwater detention/retention facilities.

(2) **Development units.** The number of residential dwelling units and the amount of nonresidential development (excluding open spaces) shall be determined as follows:

- (a) In areas devoted to mixed residential uses:
 - (i) The number of single-family attached and detached units permitted shall be ~~35~~– 8 dwelling units per net acre;
 - (ii) The number of multi-family units shall be ~~15~~–~~40~~–12–20 dwelling units per net acre.
 - (iii) Secondary dwelling units shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of secondary dwelling units shall not be more than 10 percent of the total number of single-family attached and detached units.
- (b) In mixed use areas:
 - (i) The number of single-family and multi-family dwelling units permitted shall be calculated the same as above plus an additional number of units not to exceed 10 percent of the amount permitted above
 - (ii) All dwelling units constructed above commercial uses shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of dwelling units shall not be increased by more than 10 dwelling units or 10 percent, whichever is greater.
 - (iii) The total ground floor area of nonresidential development uses, including off-street parking areas, shall not exceed 25 per cent of the traditional neighborhood development
- (c) **Open Space.** At least 20 percent of the gross acreage of the Traditional Neighborhood Development must be open space. Open space may include undevelopable areas such as steep slopes and wetlands, and stormwater detention and retention basins. At least 25 percent of the open space must be common open space dedicated to the public for parkland. Ninety

percent of the lots within the areas devoted to mixed residential uses shall be within a 1/4 mile or a 5 minute walk from common open space.

- (d) **Stormwater Management.** The design and development of the traditional neighborhood development should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable. New development and redevelopment shall meet the following requirements:
- (i) Untreated, direct stormwater discharges to wetlands or surface waters are not allowed.
 - (ii) Post development peak discharge rates should not exceed pre-development peak rates.
 - (iii) Erosion and sediment controls must be implemented to remove 80% of the average annual load of total suspended solids.
 - (iv) Redevelopment stormwater management systems should improve existing conditions and meet standards to the extent practicable.
 - (v) All treatment systems or BMPs must have operation and maintenance plans to ensure that systems function as designed.
- (e) **Lot and Block Standards.**
- (i) **Block and lot size diversity.** Street layouts should provide for perimeter blocks that are generally in the range of 200-400 feet deep by 400-800 feet long. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.
 - (ii) **Lot Widths.** Lot widths should create a relatively symmetrical street cross section that reinforces the public space of the street as a simple, unified public space.
 - (iii) **Building Setback, Front - Mixed Use Area.** Structures in the mixed use area have no minimum setback. Commercial and civic or institutional buildings should abut the sidewalks in the mixed use area.(May have a build to line)
 - (iv) **Building Setback, Front - Areas of Mixed**

Residential Uses. Single-family detached residences shall have a building setback in the front between 0 and 25 feet. Single family attached residences and multifamily residences shall have a building setback in the front between 0 and 15 feet.(May have a build to line)

(v) **Building Setback, Rear - Areas of Mixed Residential Uses.** The principal building on lots devoted to single-family detached residences shall be setback no less than 30 feet from the rear lot line.

(vi) **Side Setbacks.** Provision for zero lot-line single-family dwellings should be made, provided that a reciprocal access easement is recorded for both lots and townhouses or other attached dwellings, and provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.

(f) **Circulation Standards.** The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links within the residential areas, mixed use area, and open space of the traditional neighborhood development and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off street bicycle or multi-use paths or bicycle lanes on the streets), control through traffic, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility through the traditional neighborhood development.

(i) **Pedestrian Circulation.** Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the Traditional Neighborhood Development. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides in accordance with the specifications listed in the city's subdivision regulations.

(ii) The following provisions also apply:

1) Sidewalks in residential areas. Clear and well-lighted sidewalks, 3-5 feet in width, depending on projected pedestrian traffic,

- shall connect all dwelling entrances to the adjacent public sidewalk.
- 2) Sidewalks in mixed use areas. Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be a minimum of 5 feet in width.
 - 3) Disabled Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
- (iii) Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping.
 - (iv) **Bicycle Circulation.** Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing or planned bicycle routes or greenways through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non motorized users) and separate, striped, 4 foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width should be 14 feet.
 - (v) **Public Transit Access.** Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance, and shall be well-lighted.
 - (vi) **Motor Vehicle Circulation.** Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as “queuing streets,” curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds.
 - 1) **Street Hierarchy.** Each street within a traditional neighborhood development shall be classified according to the following (arterial streets should not bisect a traditional neighborhood development)
 - a) Collector. This street provides access

to commercial or mixed-use buildings, but it is also part of Hernando's major street network. On-street parking, whether diagonal or parallel, helps to slow traffic. Additional parking is provided in lots to the side or rear of buildings.

- b) Subcollector. This street provides primary access to individual residential properties and connects streets of lower and higher function. Design speed is 25 mph.
- c) Local Street. This street provides primary access to individual residential properties. Traffic volumes are relatively low, with a design speed of 20 mph.
- d) Alley. These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also provide delivery access or alternate parking access to commercial properties.

Table 1: Attributes of Streets in a Traditional Neighborhood Development

	Collector	Subcollector	Local Street	Alley
Average Daily Trips	750-1500	750 or more	Less than 250	Not applicable
Right-of-Way	76-88 ft.	48-72 ft.	35-50 ft.	12-16 ft.
Auto travel lanes	Two or three 12 ft. lanes	Two 10 ft. lanes	Two 8 ft. lanes for 2-way traffic, or one 12 ft. lane for 1-way traffic	

Bicycle lanes	Two 6 ft. lanes combined with parking lanes	4 ft. lanes with no parking, or 6 ft. lanes combined with parking lanes	None	None
Parking	Both sides,	None, one, or 8 feet both sides, 8 ft. Ñ	None, one or both sides, 8 ft.	None (access to (individual drives and garages outside right-of-way)
Curb and gutter	Required	Required	Required	Not Required
Planting strips	Minimum 6 ft.	Minimum 6 ft.	Minimum 6 ft.	None
Sidewalks	Both sides, 5 ft. minimum	Both sides, 3-5 ft.	Both sides, 3-5 ft.	None

- 2) **Street Layout.** The traditional neighborhood development should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. In addition:
- a) Intersections shall be at right angles whenever possible, but in no case less than 75 degrees. Low volume streets may form three-way intersections creating an inherent right-of-way assignment (the through street receives precedence) which significantly reduces accidents without the use of traffic controls.
 - b) Corner radii. The roadway edge at street intersections shall be rounded by a tangential arc with a maximum radius of 15 feet for local streets and 20 feet for intersections involving collector or arterial streets. The intersection of a local street and an

access lane or alley shall be rounded by a tangential arc with a maximum radius of 10 feet.

- c) Curb cuts for driveways to individual residential lots shall be prohibited along arterial streets. Curb cuts shall be limited to intersections with other streets or access drives to parking areas for commercial, civic or multifamily residential uses. Clear sight triangles shall be maintained at intersections, as specified below, unless controlled by traffic signal devices:

Intersection of:

minimum clear sight distance:

local street and collector	120 feet
collector and collector	130 feet
collector and arterial	50 feet

- d) The orientation of streets should enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, and minimize street gradients. All streets shall terminate at other streets or at public land, except local streets may terminate in stub streets when such streets act as connections to future phases of the development. Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.

- 3) **Parking requirements.** Parking areas for shared or community use should be encouraged. In addition

- a) In the mixed use area, any parking lot shall be located at the rear or side of a

building. If located at the side, screening shall be provided as specified in section 4.8

- b) A parking lot or garage may not be adjacent to or opposite a street intersection.
- c) In the mixed use area, a commercial use must provide one parking space for every 500 square feet of gross building area
- d) Parking lots or garages must provide not less than one bicycle parking space for every 10 motor vehicle parking spaces.
- e) Adjacent on-street parking may apply toward the minimum parking requirements.
- f) In the mixed residential areas, parking may be provided on-site. One off-street parking space with unrestricted ingress and egress shall be provided for each secondary dwelling unit.
- g) Multi - family uses must provide one parking space for every dwelling unit and 0.5 parking space for each additional bedroom.

4) **Service access.** Access for service vehicles should provide a direct route to service and loading dock areas, while avoiding movement through parking areas. e. **Paving.** Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas such as remote parking lots and parking areas for periodic uses.

(g) **Architectural Standards.** A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.

(i) **Guidelines for Existing**

- 1) Existing structures, if determined to be historic or architecturally significant, shall be protected from demolition or encroachment by incompatible structures or landscape development.

- 2) The U.S. Secretary of the Interior’s Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally significant structures.

(ii) **Guidelines for New Structures**

- 1) **Height.** New structures within a Traditional Neighborhood Development shall be no more than 3 stories for single-family residential, or 5 stories for commercial, multifamily residential, or mixed use
- 2) **Entries and Facades**
 - a) The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street
 - b) The front facade of the principal building on any lot in a Traditional Neighborhood Development shall face onto a public street.
 - c) The front facade shall not be oriented to face directly toward a parking lot
 - d) Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences
 - e) For commercial buildings, a minimum of 50 percent of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
 - f) New structures on opposite sides of the same street should follow similar design guidelines. This provision shall not apply to buildings bordering civic uses.
- 3) **Guidelines for garages and secondary dwelling units.** Garages and secondary dwelling units may be placed on a single-family detached residential lot within the principal building or an accessory building provided that the secondary dwelling unit shall not exceed 800 square feet.

4) **Guidelines for exterior signage.** A comprehensive sign program is required for the entire Traditional Neighborhood Development which establishes a uniform sign theme. Signs shall share a common style (e.g., size, shape, material). In the mixed use area, all signs shall be wall signs or cantilever signs. Cantilever signs shall be mounted perpendicular to the building face and shall not exceed 8 square feet.

5) **Guidelines for lighting.**

a) Street lighting shall be provided along all streets. Generally more, smaller lights, as opposed to fewer, high-intensity lights, should be used. Street lights shall be installed on both sides of the street at intervals of no greater than [75] feet. Street lighting design shall meet the minimum standards developed by the Illumination Engineering Society.

b) Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.

(h) **Landscaping and Screening Standards.** Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Where screening is required by this ordinance, it shall be at least 3 feet in height, unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year. Required screening shall be satisfied by one or some combination of: a decorative fence not less than 50 percent opaque behind a continuous landscaped area, a masonry wall, or a hedge.

(i) **Street trees.** A minimum of one deciduous canopy tree per 40 feet of street frontage, or fraction thereof, shall be required. Trees can be clustered and do not need to be evenly spaced. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells

installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk.

- (ii) ***Parking area landscaping and screening.***
 - 1) All parking and loading areas fronting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses, shall provide
 - a) A landscaped area at least 5 feet wide along the public street or sidewalk.
 - b) Screening at least 3 feet in height and not less than 50 percent opaque.
 - c) One tree for each 25 linear feet of parking lot frontage
 - 2) Parking area interior landscaping. The corners of parking lots, “islands,” and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation can include turf grass, native grasses or other perennial flowering plants vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
 - 3) In large parking lots containing more than 200 spaces, an additional landscaped area of at least 300 square feet shall be provided for each 25 spaces or fraction thereof, containing one canopy tree. The remainder shall be covered with turf grass, native grasses or other perennial flowering plants, vines or shrubs.
- (iii) ***Installation and Maintenance of Landscaping Materials.***
 - 1) All landscape materials shall be installed to current industry standards.
 - 2) Maintenance and replacement of landscape materials shall be the responsibility of the property owner. Landscape maintenance should incorporate environmentally sound management practices, including the use of water- and energy-efficient irrigation systems such as drip irrigation, and pruning primarily for plant health and public safety, replacing dead materials annually.

- (iv) **Materials.** All plant materials must meet the minimum standards set by the American National Standards Institute in ANSI Z60.1 American Standard for Nursery Stock. Landscape species shall be indigenous or proven adaptable to the climate, but shall not be invasive species. Plant materials shall comply with the following standards
- (v) Minimum plant size shall be as specified as follows (for the purpose of determining tree trunk size, the diameter shall be measured 6 inches above ground level):
 - 1) **Plant Type Minimum Size**
 - a) Evergreen tree 6 feet in height
 - b) Deciduous canopy tree 22 inches caliper at dbh*
 - c) Small deciduous tree 12 inches caliper at dbh*
 - d) Evergreen or deciduous shrubs 18 - 24 inches in height *dbh = diameter at breast height
 - 2) Landscape materials shall be tolerant of specific site conditions, including but not limited to heat, drought and salt.
 - 3) Existing healthy plant material may be utilized to satisfy landscaping requirements, provided it meets the minimum plant size specified above.
 - 4) Landscape materials that are used for screening shall be of a size that allows growth to the desired height and opacity within 2 years.

9. ARTICLE X BUFFERYARD REQUIREMENTS

- a. Purpose. The bufferyard and screening provisions are included in this chapter to improve the physical appearance of the community; to improve the environmental performance of new development by contributing to the abatement of heat, glare, or noise and by promoting natural percolation of storm water and improvement of air quality; to buffer potentially incompatible land uses from one another; and to conserve the value of property and neighborhoods with the City.
- b. Applicability. The provisions of this article shall apply to all new development on each lot, site, or common development upon application for a building permit, except for the following:
 - i. Reconstruction or replacement of a lawfully existing use or structure following casualty loss.
 - ii. Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures or the location and design of parking facilities or other site improvements
 - iii. Additions or enlargements of existing uses or structures, except surface parking, which increase floor area or impervious coverage by less than twenty (20) percent. Where such additions or enlargements are twenty (20) percent or greater, these provisions shall apply only to that portion of the lot, site, or common development where the new development occurs.
- c. Conflicts. Any conflict between this section and another chapter of this chapter shall be resolved in favor of the more restrictive provision.
- d. Definitions. The following definitions shall be used for terms contained within this article:
 - i. Bufferyard: A landscaped area provided to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.
 - ii. Landscaped Area: That area within the boundaries of a given lot consisting primarily of plant material, including, but not limited to, grass, trees, shrubs, flowers, vines, ground cover, and other organic plant materials. Inorganic materials, such as brick, stone, or aggregate, may be used within landscaped areas, provided that such material comprises no more than thirty-five (35) percent of the area of the required landscaped area. Flat concrete or asphalt, other than walkways five (5) feet or less in width, may not be used within a required landscaped area.
 - iii. Tree: A woody plant having at least one (1) well-defined trunk or stem and a more or less definitely formed crown, usually attaining a mature height of at least eight (8) feet.
- e. General Standards
 - i. Location and Design: Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffers shall not

be located on any portion of an existing, dedicated, or reserved public or private street or right-of-way. The bufferyard is normally calculated as parallel to the property line. However, the planning director may permit design variations in the bufferyard; but, in no case, shall the average depth of the bufferyard be less than that required of this article. Average depth shall be measured at the two end points of the buffer and two additional points that are approximately one-third of the total linear distance from the end point. At his/her sole discretion, the planning director may determine that these measuring points do not represent a fair approximation of the average depth of the buffer, and he/she may include additional measuring points to provide a more definitive approximation of the average depth of a proposed bufferyard. Where a required drainage, utility, or other easement is partially or wholly within a required bufferyard, the developer shall design the buffer to minimize plantings within the required easement.

The planning director, the Planning Commission, and the City of Hernando may require additional bufferyard area or additional plantings of the developer in such instances to ensure that the screening purpose of the bufferyard is maintained.

- ii. Use of Bufferyards: A bufferyard may be used for some forms of passive recreation. It may contain pedestrian, bike, or equestrian trails, provided that:
 - (1) No required plant material is eliminated
 - (2) The total depth/width of the bufferyard is maintained.
 - (3) All other regulations of this chapter are met. In no event, however, shall the following uses be allowed in bufferyards: accessory buildings, sheds, garages, playfields, stables, swimming pools, tennis courts, or similar active recreation uses.
 - iii. Ownership of Buffers: Bufferyards may remain in the ownership of the original owner/developer (and assigns) of a developing property. Bufferyards may be subjected to deed restrictions and subsequently be freely conveyed. They may be transferred to any consenting grantees, such as owners associations, adjoining land owners, a park district, the City, or any conservation group, provided that any such conveyance adequately guarantees the protection of the bufferyard for the purposes of this article.
- f. Determination of Bufferyard Requirements: To determine the type of bufferyard required between two adjacent parcels, the following procedure shall be followed:
- i. Identify the zoning classification of the proposed development by referring to Table 1.
 - ii. Identify the zoning classification and status of development (undeveloped vs. platted and/or developed) of each adjoining property, including properties located across an intervening street, by referring to Table 1.
 - iii. Determine the bufferyard requirements for those, side, rear, and front lines

or portion thereof on the subject development parcel by referring to Table 1 in this section and the additional requirements of this section. Existing plant material may be counted as contributing to the total bufferyard requirement. The bufferyards specified are to be provided on each lot or parcel independent of adjoining uses or adjoining bufferyards

- iv. Should a developed parcel increase in intensity or zoning classification from a given zoning district to a more intense zoning district (e.g., from R-20 to R-12, from C-1 to C-3), the Planning Commission shall, during the site plan or subdivision review process, determine if additional bufferyard is needed and, if so, to what extent and type.

- v. **Additional Bufferyard Provisions:** In addition to the requirements provided in this section, the following bufferyard provisions shall apply to proposed development parcels. In general, the owner, developer, or operator of a proposed use within a development parcel shall install and maintain a landscaped bufferyard on his/her lot, site, or common development, as set forth in this section.
 - (1) **Parcels with Intervening Major Street** - When an arterial or collector street (as identified on the Transportation Plan for City of Hernando, (2007) separates adjacent development parcels requiring a bufferyard, the required bufferyard shall be the greater of one-half of the required bufferyard set forth in Table 1 of this article or fifteen (15) feet. Relief from this provision may be recommended by the Planning Commission.
 - (2) **Parcels with Intervening Local Street** - When a local street (as identified on the Transportation Plan for City of Hernando, (2007) or any other public right-of-way separates adjacent development parcels requiring a bufferyard, the required bufferyard shall be the greater of two-thirds of the required bufferyard set forth in Table 1 of this article, or twelve (12) feet.
 - (3) **Railroad right-of-ways** - Any lot or site which is adjacent to an active railroad right-of-way shall be exempt from any bufferyard requirement along the common property line with such right-of-way.
 - (4) **Lot Size Compatibility Provision** - For any residential development parcel, including parcels located in a Residential Overlay District, along a common property line of an adjacent developed and/or platted residential use, the following provisions may be applied in lieu of the requirements of Table 1 of this article
 - (a) No bufferyard shall be required if the average lot size of a development parcel's contiguous lots is equal to or exceeds the average lot size of an adjacent, developed, residential use (measured by averaging the lot sizes of platted lots contiguous to the proposed development parcel)

- (b) The required bufferyard shall be reduced to ten (10) feet, if the average lot size of a development parcel's contiguous lots is equal to or exceeds eighty (80) percent of the average lot size of an adjacent, developed residential use (measured by averaging the lot sizes of platted lots contiguous to the proposed development parcel).

- g. Table of Bufferyard Requirements. The table on the following page shall be used to determine the bufferyard requirements of a development parcel which is adjacent to a developed and/or platted property, site, or common development.

- h. Transitional Bufferyard Landscaped Area and Minimum Width Regulations
 - i. General Design Standards: The following general provisions shall apply to the design and construction of transitional bufferyards as defined herein
 - (1) The layout, design, and arrangement of the prescribed numbers and types of landscape materials within a bufferyard shall be in accordance with this section.
 - (2) In those bufferyards which require the construction of a berm, wall, or similar opaque barrier, the following provisions shall apply
 - (a) An opaque barrier, at the height prescribed in the specific bufferyard design type standards in this section, shall be provided which visually screens the potentially offensive development parcel uses from the adjacent properties as follows:
 - (i) A masonry wall, a minimum of three (3) feet in height, of a design approved by the planning director.
 - (ii) A hedge-like screen or a random or informal screen plantings of broadleaf evergreen shrubs or approved deciduous plant material, capable of providing a substantially opaque barrier and attaining a minimum height of four (4) feet within three (3) years of planting. Hedges shall be planted initially at minimum spacings and sizes to adequately provide a substantially opaque barrier within two years of planting.
 - (iii) A landscaped earth berm with a maximum slope of 3:1, rising no less than two and one-half (2.5) feet above the existing grade at the lot line separating the development parcel from adjacent properties. Landscape materials to be included on the berm are identified in this section.
 - (iv) Any combination of these methods that achieves the cumulative minimum height prescribed in each

bufferyard type.

BUFFERYARD
REQUIREMENTS

ZONING OF ADJACENT PLATTED or DEVELOPED PROPERTY

Zoning

of

RESIDENTIAL

COMMERICAL

Developin
g

Tract	A	AR	R 40	R 30	R 20	R 15	R 12	R 10	R 8	R 6	RM 8	RM 6	PO	C1	C2	C3	C4	PB	M 1	M 2	
A	0	0	15	15	20	25	25	30	30	30	35	35	35	30	35	35	35	35	35	40	50
AR	0	0	0	10	15	20	25	25	30	30	35	35	30	30	35	35	35	35	35	40	50
R-40	15	0	0	0	20	20	25	25	30	30	35	35	30	30	30	30	30	35	40	50	
R-30	15	10	0	0	0	15	15	20	25	25	30	35	30	30	30	30	30	35	40	50	
R-20	20	15	20	0	0	0	15	15	20	20	25	35	30	30	30	30	30	35	40	50	
R-15	25	20	20	15	0	0	0	15	20	20	20	30	30	30	30	30	30	35	40	50	
R-12	25	25	25	15	15	0	0	0	15	20	20	30	30	30	30	30	30	35	40	50	
R-10	30	25	25	20	15	15	0	0	0	15	20	30	30	30	30	30	30	35	40	50	
R-8	30	30	30	25	20	20	15	0	0	0	20	25	25	25	30	30	30	35	40	50	
R-6	30	30	30	25	20	20	20	15	0	0	15	15	25	25	30	30	30	35	40	50	
RM 8	35	35	35	30	25	20	20	20	20	15	0	10	20	20	30	30	30	30	35	50	
RM 6	35	35	35	35	35	30	30	30	25	15	10	0	20	20	30	30	30	30	35	50	
C2	35	35	30	30	30	30	30	30	30	30	30	30	15	15	10	10	10	15	20	25	
C3	35	35	30	30	30	30	30	30	30	30	30	30	15	15	10	10	10	15	20	25	
C4	35	35	30	30	30	30	30	30	30	30	30	30	15	15	10	10	10	15	20	25	
M 1	40	40	40	40	40	40	40	40	40	40	35	35	20	30	20	20	20	15	10	10	
M2	50	50	50	50	50	50	50	50	50	50	50	50	30	30	25	25	25	25	10	10	

* No bufferyard required.

Note: Bufferyard requirements stated above are in terms of the average width of the bufferyard along a common boundary of an adjacent development and/or platted property. Consult all other paragraphs of this section for additional bufferyard provisions and landscape screening requirements of the bufferyard.

ii. Transitional Bufferyard Design Types: Transitional bufferyards of the following types shall be provided in the situations as identified by the entries in Table 1 of this section

(1) Bufferyard Type "10": Transitional bufferyard Type 10 shall consist of a strip of landscaped area, a minimum of ten (10) feet wide, landscaped as follows:

(a) Residential Bufferyards: One medium evergreen tree (ultimate height 20-40') for every fifteen (15) feet planted on triangular staggered spacing, PLUS one large deciduous tree (ultimate height 50+ feet) for every sixty (60) linear feet measured along the common property line.

(b) Commercial Bufferyard: One large deciduous tree (ultimate height 50+ feet) for every sixty (60) linear feet, PLUS a group of two (2) small deciduous or ornamental trees (spaced at 30 feet on centers) for every sixty (60) linear feet (planted) between the large deciduous trees.

(2) Bufferyard Type "15": Transitional bufferyard Type 15 shall consist of a strip of landscaped area, a minimum of fifteen (15) feet wide, landscaped as follows:

(a) Residential Bufferyards: One medium evergreen tree (ultimate height 20-40') for every fifteen (15) feet planted on triangular staggered spacing, PLUS one large deciduous tree (ultimate height 50+ feet) for every sixty (60) linear feet measured along the common property line.

(b) Commercial Bufferyard: One large deciduous tree (ultimate height 50+ feet) for every sixty (60) linear feet, PLUS a group of two (2) small deciduous or ornamental trees (spaced at 30 feet on centers) for every sixty (60) linear feet (planted) between the large deciduous trees.

(3) Bufferyard Type "20": Transitional bufferyard type 20 shall consist of a strip of landscaped area, a minimum of twenty (20) feet wide, landscaped as follows: one large deciduous tree (ultimate height 50+ feet) for every seventy-five (75) linear feet, PLUS a group of three (3) medium evergreen trees (planted on 15 feet triangular staggered spacing) and one small deciduous or ornamental tree (planted 15 feet from evergreens) for every seventy-five (75) linear feet.

(4) Bufferyard Type "25": Transitional bufferyard type 25 shall consist of a strip of landscaped area, a minimum of twenty-five (25) feet

wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with the requirements of Paragraph 8, A, 2, a, of this section, to a minimum height of six (6) feet, PLUS one large deciduous tree (ultimate height 50+ feet) for every sixty (60) linear feet, PLUS a group of two (2) small deciduous or ornamental trees (spaced 30 feet on center) for every sixty (60) linear feet measured along the opaque barrier. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.

- (5) Bufferyard Type "30": Transitional bufferyard type 30 shall consist of a strip of landscaped area, a minimum of thirty (30) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with the requirements of Paragraph 8, A, 2, a, of this section, to a minimum height of six (6) feet, PLUS one medium evergreen tree (ultimate height 20-40 feet) for every fifteen (15) feet planted on triangular staggered spacing, PLUS one large deciduous tree (ultimate height 50+ feet) for every sixty (60) linear feet measured along the opaque barrier. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.
- (6) Bufferyard Type "35": Transitional bufferyard type 35 shall consist of a strip of landscaped area, a minimum of thirty-five (35) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with the requirements of Paragraph 8, A, 2, a, of this section, to a minimum height of six (6) feet, PLUS one medium evergreen tree (ultimate height 20-40 feet) for every fifteen (15) feet planted on triangular staggered spacing, PLUS one small deciduous or ornamental tree for every eighty (80) linear feet, PLUS one large deciduous tree (ultimate height 50+ feet) for every eighty (80) linear feet measured along the opaque barrier. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.
- (7) Bufferyard Type "40": Transitional bufferyard type 40 shall consist of a strip of landscaped area, a minimum of forty (40) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with the requirements of Paragraph 8, A, 2, a, of this section, to a minimum height of ten (10) feet, PLUS one medium evergreen tree (ultimate height 20-40 feet) for every fifteen (15) feet planted on triangular staggered spacing, PLUS one small deciduous or ornamental tree for every eighty (80) linear feet, PLUS

one large deciduous tree (ultimate height 50+ feet) for every eighty (80) linear feet measured along the opaque barrier. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.

- (8) Bufferyard Type "50": Transitional bufferyard type 50 shall consist of a strip of landscaped area, a minimum of fifty (50) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with the requirements of Paragraph 8, A, 2, a, of this section, to a minimum height of ten (10) feet, PLUS one medium evergreen tree (ultimate height 20-40 feet) for every ten (10) feet planted on triangular staggered spacing, PLUS one small deciduous or ornamental tree for every eighty (80) linear feet, PLUS one large deciduous tree (ultimate height 50+ feet) for every eighty (80) linear feet measured along the opaque barrier. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.

iii. Additional Bufferyard Provisions. The following additional provisions shall apply to the design standards for required bufferyard landscaping

- (1) Preservation of healthy existing tree vegetation within a required bufferyard is strongly encouraged. Preservation of each healthy existing tree, of species and size (at least four and one-half inches caliper) approved by the planning director, shall count as one tree towards the fulfillment of the landscape requirements of this section.
- (2) A development parcel may continue to comply with the bufferyard and screening requirements in effect at the time of issuance of its initial building permit, regardless of whether an adjacent lot, site, or common development is rezoned to a less intense district which requires additional bufferyards or screening.

iv. Performance Bonding

- (1) If, at the time of an application for a certificate of occupancy, any required landscaping has not been installed, the developer or owner of a development parcel must submit surety (by bond, certificate of deposit), letter of credit, or other security approved in writing by the City attorney) satisfactory to the City, in the amount of the value of a bona fide contract to install such landscaping, times 1.15 percent. Such a contract must be reviewed and approved by the permits and inspections division.
- (2) The developer or owner shall grant the City permission to enter upon the land to install required landscaping if this has not been done within twelve (12) months of the effective date of the certificate of

- occupancy.
- (3) The City shall release any bond or other arrangement immediately when the permits and inspections division verifies that required landscaping has been installed.

10. ARTICLE XI SIGN REGULATIONS

a. DEFINITIONS:

i. ABANDONED SIGN

- (1) Any Sign that does not display a well maintained message for a consecutive 90-day period;
- (2) Any Sign the owner of which can not be located at Owner’s last address as reflected on the records of the County Tax Assessor; or
- (3) Any Sign no longer fully supported, by the structure designed to support the sign, for a consecutive 90-day period

ii. Animated Sign

- (1) A sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electronically illuminated segments.
- (2) A sign or any part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement or rotation.
- (3) A sign with action, motion, or n illusion of either, or changing colors which require either electrical, solar or wind powered energy.
- (4) A sign that uses movement, lighting, change of lighting, or special materials to depict action or create a special effect or scene to imitate movement.
- (5) sign that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement, or change of sign image or text.
- (6) A sign with automatic changing copy, flashing copy or lights, revolving signs, and signs with stroboscopic lights, intermittent lights, beacons or any other type or style of lights.
- (7) Electronic display screens, electronic message centers, and billboards/off-premise signs with digital technologies.
- (8) Any movable animated sign not permanently attached to the ground or other permanent structure, or a sign originally designed to be transported, including but not limited to, signs designed to be transported by means of wheels. A movable animated sign includes signs available for use for a fee, payment in lieu of a fee, free of charge, or other arrangement by individuals, businesses or other entities for a limited period of time. A movable animated sign is also a temporary sign.
- (9) Signs or portions of a sign with a message content that is strictly limited to time, date, temperature, or gas prices shall not be construed to be animated.

- iii. SIGN: Any identification, description, illustration, or device illuminated or non-illuminated which is affixed to or represented directly or indirectly upon a building, structure, or land, and which directs attention to a product, service, place, activity, person, institution, or business. Signs erected by an authorized public agency for the purpose of directing traffic or providing information are not affected by these regulations, National and state flags, when properly displayed, are not considered a sign under these regulations.
- iv. SIGN AREA: The total area of the space to be used for advertising purposes, including the spaces between open-type letters and figures, including the background structure, or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double faced sign shall be allowed the total area of a single faced sign on each face
- v. SIGN, WINDOW: A sign that is applied or attached to the exterior or interior of a window or located in such a manner within a building that it can be seen from the exterior of the structure through a window.
- vi. SIGN, TEMPORARY: A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time.
- vii. ADVERTISING DEVICE: Banners affixed on poles, wires or ropes, and streamers, wind operated devices, flashing lights, and other similar devices.
- viii. BENCH SIGN: A sign located on any part of the surface of a bench or seat
- ix. DIRECTORY SIGN: Any sign on which the names and indications of occupants or the use of the building is given. This shall include office buildings and church directories.
- x. GROUND SIGN: Any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial and reading matter when such sign is supported by two or more uprights, posts, or braces affixed in the ground and not attached to any part of a building
- xi. PORTABLE SIGN: A sign, usually of a temporary nature, but not permanently affixed to the ground or to a building or structure.
- xii. POST SIGN: Any letter, word, model sign, device or representation used in the nature of an advertisement or announcement not attached to a building and which is supported by a single stationary pole or post or two posts.
- xiii. PROJECTING SIGN: A sign which is attached to and projects more than 12 inches from the face of a wall of a building
- xiv. ROOF SIGN: Any sign erected, constructed, or maintained upon the roof of any building or any wall sign which extends more than 36 inches above the roof line or parapet wall of a building.
- xv. TEMPORARY SIGN, DEVELOPMENT: Ground signs advertising future use or development of property.

- xvi. TEMPORARY SIGN, POLITICAL: A temporary sign announcing or supporting political candidates or issues in conjunction with any national, state or local election.
- xvii. TRAFFIC DIRECTIONAL SIGN: Any sign which aids the flow of traffic.
- xviii. WALL SIGN: Any sign or poster on any surface or plane that may be affixed to the front, side or rear wall of any building. Any sign on a window which exceeds more than twenty (20) percent of the window area is considered a wall sign.
- xix. WINDOW AREA:

b. SIGN REQUIREMENTS FOR PERMANENT SIGNS BY ZONE DISTRICT

The following sign regulations by districts are intended to include every district in City of Hernando. The districts are as defined by the zoning ordinance and official zoning map. Only permanently located signs described herein will be permitted in each particular district, except for public signs and City, State and Federal historic markers.

- i. "A" Agricultural District: This section shall apply to the district in the zoning ordinance known as the Agricultural District.
 - (1) Allowable Signs: Signs advertising activities conducted on the property, except for Home Occupations as provided for under Article V, Section 1, "B", 10 c.
 - (2) Size: Signs shall not exceed sixty-two and one-half (62.5) square feet per face or a total of one-hundred twenty-five (125) square feet for all signs on the property.
 - (3) Location:
 - (a) Signs shall not be erected within one hundred (100) feet of road intersections
 - (b) There shall not be more than one sign within each one hundred (100) lineal feet of highway frontage.
 - (c) Signs shall be located at least forty (40) feet from the centerline of any road and shall not exceed eight (8) feet in height.
 - (4) Landscaping. The area beneath and around a Sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the sign with buildings, parking areas, surrounding vegetation and natural features of the landscape.
- ii. "R" Residential Districts: This section shall apply to all districts designated by the zoning ordinance as Agricultural-Residential, Traditional Neighborhood Development or Planned Unit Development
 - (1) Allowable Signs

- (a) Ground mounted subdivision identification signs
 - (b) Signs for schools, churches, hospitals, nursing homes and day care centers. Commercial signs in TND and PUD zones shall adhere to the Master Plan requirements for signage in the development
- (2) Size:
- (a) *Ground Mounted Subdivision Identification Sign.* The actual subdivision name shall (letters and spaces between letters) be limited to twenty-five (25) square feet on one side and in no case shall the total subdivision name exceed fifty (50) square feet
 - (b) *Signs for schools, churches, hospitals, nursing homes and day care centers.* The sign area for one face shall not exceed a total of thirty-five (35) square feet. In no case shall the total sign area exceed sixty-two and one-half (62.5) square feet.
- (3) Location:
- (a) Ground mounted subdivision identification signs shall be set back a minimum ten (10) feet from the right-of-way. The setback requirement may be reduced by the Planning Commission providing the height of the sign does not exceed 3' - 0".
 - (b) Signs for schools, churches, hospitals, nursery homes and day care centers shall be located on the property and set back a minimum of one (1) foot from the right-of-way.
- (4) Height:
- (a) Ground Mounted Subdivision Identification Signs shall be a maximum of six (6) feet as measured from surrounding grade.
 - (b) All other signs shall not exceed eight (8) feet as measured from surrounding grade.
- (5) Landscaping. The area beneath and around a Sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the Sign with buildings, parking areas, surrounding vegetation and natural features of the landscape.
- iii. "O" Office District and "C-1" Neighborhood Commercial District: This section shall apply to the districts in the zoning ordinance known as the "O" Office, and "C-1" Neighborhood Commercial.
- (1) Allowable Signs:
- (a) Wall Signs
 - (b) Ground Mounted Signs
 - (c) Post Signs (only decorative in nature and passing design review)
 - (d) Directories

- (e) Temporary Signs (Banners and Project)
- (2) Size
 - (a) The maximum total sign area of a wall sign shall be fifty (50) square feet, or one (1) square foot for each lineal foot of building wall or lease space on which the sign is erected, whichever results in the smaller sign area.
 - (b) Ground Mounted Signs, post signs and directories shall not exceed fifty (50) square feet per face per street frontage and total sign area shall not exceed one hundred (100) square feet total for all faces.
 - (c) The total sign area allowed will not exceed one (1) square foot per foot of lineal frontage, the frontage being determined by the principle entrance to the lot and on only one side of the lot
- (3) Location:
 - (a) Wall signs shall not project more than twelve inches from the face of the building
 - (b) Ground mounted, post and directory signs shall be set back a minimum of one (1) foot from the right-of-way.
 - (c) There shall not be more than one (1) ground mounted, directory or post sign per 100 feet. The separation of ground mounted, directory or post signs on adjoining lots shall include a minimum distance one-hundred (100) feet between signs. In instances where an individual property owner does not own sufficient land to meet the minimum separation distance between signs, one sign will be allowed on this property at a location as remote from existing signs as possible.
 - (d) Height: The height of all signs shall not exceed eight (8) feet.
- (4) Landscaping. The area beneath and around a Sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the Sign with buildings, parking areas, surrounding vegetation and natural features of the landscape.
- iv. "C" Commercial Districts: This section shall apply to all districts designated by the zoning ordinance as "C-2", "C-3", and "C-4".
 - (a) Allowable Signs
 - (i) Wall Signs
 - (ii) Ground Mounted Signs
 - (iii) Post Signs
 - (iv) Awning Signs
 - (v) Directories
 - (vi) Projecting Signs
 - (vii) Temporary Signs (Banners and Project)

- (b) Size: The total square footage of all signs shall not exceed two (2) square feet per foot of lineal frontage, the frontage being determined by the principle entrance to the lot and on only one side of the lot. The total square footage of the wall sign shall be one (1) square foot for each lineal foot of building wall of the leased space on which the sign is erected. The total square footage of the ground mounted sign shall be no more than one square foot for each lineal foot dedicated to the business. Double faced signs shall not be counted twice.
 - (i) Wall and awning signs shall not exceed sixty-two and one-half (62.5) square feet. The maximum sign area for wall signs may be increased one (1) square foot for each additional two (2) feet of building setback.
 - (ii) Ground mounted signs and directories shall not exceed sixty-two and one-half (62.5) square feet.
 - (iii) Projecting signs shall not exceed fifteen (15) square feet in area.
- (c) Location
 - (i) Wall signs shall not extend beyond the surface of the building more than twelve (12) inches
 - (ii) Projecting signs shall not extend more than five (5) feet from the building into the front yard.
 - (iii) Ground mounted and directory signs shall be at least one (1) foot from the right-of-way.
 - (iv) There shall not more than one ground mounted or directory sign per 100 feet. The separation of ground mounted, post or directory signs on adjoining lots shall include minimum distance of one hundred (100) feet between signs. In instances where an individual property owner does not own sufficient land to meet the minimum separation distance between signs, one sign will be allowed on this property at a location as remote from existing signs as possible
- (d) Height:
 - (i) Projecting signs shall not be less than eight (8) feet in height from the pavement line
 - (ii) Maximum height shall be eight feet. Mounting poles, unless decorative in nature and integrated into overall design, shall be concealed by a 1.5 foot masonry mounting base the width of the sign.
- (2) Landscaping. The area beneath and around a sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the Sign with buildings, parking

- areas, surrounding vegetation and natural features of the landscape.
- (3) Temporary banners are permitted for no more than 30 days annually per business.
- v. "M" Industrial Districts: This section shall apply to all districts designated by the zoning ordinance as "M-1" and "M-2".
- (a) Allowable Signs: All signs permitted under the "C" Commercial Districts plus off-premises signs.
 - (b) Size: No sign shall exceed four hundred (400) square feet in area.
 - (c) Location:
 - (i) No off premises sign shall be located within 2640' of a center point of intersecting roads along such Interstate highways
 - (ii) No ground mounted or post sign exceeding one hundred (100) square feet may be erected within six hundred sixty (660) feet of the intersection of two (2) state or federal highways
 - (iii) No off premises sign shall be located further than one mile from the center point of intersecting roads along such Interstate highways
 - (iv) Off Premises signs shall be located only adjacent Federally designated Interstate Highways and within Industrial Zones
 - (v) No off-premises sign may be located any nearer than a radius distance of 1,320 feet of any other off-premises sign.
 - (vi) Height: Signs shall not exceed thirty-five (35) feet in height
 - (d) Construction and Maintenance; All ground or post signs over 100 square feet in size shall be of single pole, steel construction.
- (2) Landscaping. The area beneath and around a sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the Sign with buildings, parking areas, surrounding vegetation and natural features of the landscape.
- c. EXEMPT SIGNS - The following types of signs are exempted from all the provisions of this Article and shall be allowed in addition to all other signs allowed by this article. Any signs which exceed the provisions of this section shall comply to the other sections of this Article
- i. Public Signs: Signs erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, danger signs, and traffic

- signs
 - ii. Historical Markers: Historical markers as recognized by Local, State, or Federal authorities
 - iii. Name plates mounted on buildings or mail boxes not exceeding one (1) square foot in size
 - iv. Traffic directional signs not exceeding four (4) square feet in size and located at least one (1) foot from the right-of-way
 - v. Signs in or on windows not exceeding twenty (20) percent of the window area.
 - vi. Advertising sale or lease of real estate - the sign area of one face shall not exceed twelve (12) square feet in the "A" Agricultural District. In no case shall the total sign area of all signs on total project exceed twenty-five (25) square feet. In all other districts the sign area of one face shall not exceed eight (8) square feet. In no case shall the total sign area of all signs on the property exceed sixteen (16) square feet. Sign shall be located at least one (1) foot from the right-of-way
 - vii. One political sign not exceeding four (4) square feet in size per candidate for public office per parcel of land. No political sign may be placed in the right-of-way, nor be erected more than sixty (60) days before an election. Political signs must be removed no more than ten (10) days following the general election.
 - viii. Signs for Home Occupations as allowed in Article V Section 1-B (10) (c)
 - ix. Project signs shall be limited to one project per street frontage. All information about contractors, financial institutions, architects, developers, etc. shall be displayed on the sign. No other signs shall be allowed during construction except real estate signs.
- d. Signs to be used on a temporary basis for a community event sponsored by a not-for-profit organization may be permitted at the discretion of the Director of Planning.
- e. **ILLUMINATED SIGNS AND ELECTRONIC READER BOARDS** - Illuminated signs and electronic reader boards shall adhere to the following provisions and restrictions in addition to those requirements stated in this Article.
 - i. Signs shall not have blinking, flashing or other illuminating devices which change light intensity, brightness or color. Beacon lights are not permitted. Automatic changing signs displaying time, temperature, date or electronically controlled message centers are permitted
 - ii. The light for or from any illuminated sign shall be so shaded, shielded or directed that the light intensity will not be objectionable to surrounding areas
 - iii. No colored lights shall be use on any sign at-any location in any manner so as to be confused with or construed as traffic control devices
 - iv. Neither direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

- v. Any sign permitted in a residential or agricultural zone shall be externally illuminated only.
 - vi. Internally lit signs must have a sign background that is of a dark, opaque color.
 - vii. Electronic reader boards shall constitute no more than 30 percent of a sign surface area and shall present messages in fonts other than dot matrix patterns and shall be integrated into the overall sign design. Messages shall not change in less than 60-second intervals.
- f. **PROHIBITED SIGNS** - The following types of signs are prohibited under this Article.
- i. Portable signs are prohibited except as provided for in Paragraph 3.
 - ii. Signs or devices which by color, location, or design resemble or conflict with traffic control signs or devices are prohibited.
 - iii. Signs attached to, suspended from or painted on any vehicle which is regularly parked on any street or private property to display demonstrate, advertise or attract the attention of the public.
 - iv. Signs which contain pulsating lights or strobe lights.
 - v. Changeable copy signs (other than electronic), except those associated with churches, schools, theaters and gas stations. Said changeable copy sign shall be enclosed under a locked, vandal proof case; said case and structure shall be subject to design review.
- g. **INSPECTION, REMOVAL AND SAFETY** -
- i. All signs may be inspected periodically by the Code Enforcement Officer for compliance with this Article
 - ii. All signs and components there of shall be kept in good repair and in safe, neat, clean, and attractive condition.
 - iii. The Code Enforcement Officer shall give written notice for the removal of any permanent sign erected or maintained in violation of this Article. Upon failure to comply with this notice, the Code Enforcement Officer shall take legal action to enforce compliance with this ordinance. The Code Enforcement Officer may remove a sign immediately and without notice if the sign presents an immediate threat to the safety of the public. Any sign removal shall be at the expense of the property owner
- h. **PERMITS** - All permanent signs permitted under this Article except those signs exempt in Section 3 of this Article shall require a permit which shall be obtained prior to erection of the sign.
- i. **NONCONFORMING SIGNS** - In instances where a sign is nonconforming to any

of the requirements of this ordinance, such sign and any supporting structure other than a building may be allowed although such sign does not conform to the provisions hereof. No such nonconforming sign may be enlarged or altered in any way (including changing the sign face, except on changeable copy signs which comply with this regulation or legal Outdoor Advertising Signs), which increases its nonconformity, or relocated. No sign, which has been damaged 50 percent or more of its fair market value, shall be restored except in conformity with the regulations of this ordinance. However, any sign, which is prohibited by this ordinance and was also prohibited by the previous City of Hernando Zoning Ordinance adopted April 16, 1973, shall be discontinued and removed.

j. ENFORCEMENT

- i. The City of Hernando Code Enforcement Officer is directed to enforce all of the provisions of this Article
- ii. Any person aggrieved by any interpretation or order of the Code Enforcement Officer may appeal to the Planning Commission. The shall take no further action on the matter pending the Planning Commission's decision, except for unsafe signs which present an immediate and serious danger to the public as provided in Section 6 of this Article.

11. ARTICLE XII ACCESSORY BUILDINGS AND USES

- a. Accessory buildings and uses are permitted when in accordance with the following:
 - i. Residential properties are limited to:
 - (1) Private garages and storage buildings
 - (2) Vegetable and flower gardens, and fruit and nut trees, for use by members of the family residing on the premises and not for commercial purposes
 - (3) Raising and keeping of small animals and fowl, but not on a commercial basis or on a scale creating objectionable conditions noticeable from neighboring property.
 - (4) Tennis Courts, swimming pools, garden houses, pergolas, ornamental gates, barbecue ovens, fireplaces, and similar uses customarily accessory to residential uses.
 - b. Fences, walls, and hedges
 - i. In residential districts in a yard that adjoins a public street, fences, walls and hedges may not exceed 4 feet in height except in a designated rear yard on a double frontage lot
 - ii. In the Office Commercial Zones, fences in yards adjoining streets are not allowed
 - iii. Any privacy fence containing cross members between posts shall expose cross members to the interior of the area being fenced.
 - iv. No fence shall exceed ten feet in height measured from the finished grade of the lot or property upon which the fence is being erected except as otherwise provided for in this article.
 - v. Permitted materials. Materials permitted are wood, wrought iron, stone, and masonry. Vinyl or fiberglass composite materials may be utilized if the material is listed, designed and constructed for fencing materials.
 - (1) Information on plans.
 - (a) Plans shall include the following:
 - (i) Building locations and area to be fenced.
 - (ii) Copy of the platted lot for corner lots.
 - (iii) Height of fence and type of materials to be used.
 - (iv) Intersections of streets, roads, highways, alleys and driveways.
 - (v) Zoning.
 - (vi) Corner "visibility range," when required, shall be shown.
- c. Temporary buildings for construction purposes are permitted in any district as accessory buildings during the time of construction. Permits shall be issued for not

over one year and subject to annual renewal.

d. Accessory or temporary buildings shall not be used for dwelling purposes except as a conditional use approved by the Planning Commission with the following conditions:

- i. approved for a maximum of three years
- ii. has an outer covering of wood, vinyl, or brick;
- iii. meets all building codes as related to traditional houses
- iv. contains a minimum of five windows; and
- v. should look similar in appearance to a house.

F. Accessory buildings not exceeding 20 feet in height may be located in a rear yard but may not exceed 50 percent of the floor area of the principal structure nor occupy more than 30 percent of a rear yard. Any accessory building closer than 10 feet to a main building shall be considered as a part of the main building and shall be provided with the side and rear yards required for the main buildings and be constructed to standards of the International Building Code. An accessory building more than 10 feet from the main building may not be erected within five feet of a side lot line, or ten feet of a rear lot line, but must be located at least 59 feet from any street right-of-way except in the designated rear yard of a double frontage lot. No more than two (2) accessory structures (excluding detached garages) may be constructed on one lot.

e. The allowed size of Accessory Buildings is as follows:

Permitted size as a percentage of the floor area of the	
<u>Lot size</u>	<u>principal structure</u>
1.5 acres and less	50%
2.5 acres	75%
3.5 acres	100%
4.5 acres	125%

f. Disk, video earth television receiving stations are permitted in all districts.

12. ARTICLE XIII NONCONFORMING USES

- a. It is the intent of this ordinance to permit nonconforming lots of record and nonconforming uses of land and structures to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- b. Nonconforming lots of record. In any district any use which is permitted may be allowed on any single lot of record at the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to the area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Planning Commission.
- c. Nonconforming use of land not enclosed by buildings. Where open land is being used for a nonconforming use, such use shall not be extended or enlarged either on the same or adjoining property.
- d. Nonconforming use of buildings. Except as otherwise provided herein, the lawful use of a building existing at the effective date of this ordinance may be continued although such use does not conform to the provisions hereof. Expansion of non-conforming Uses as a Conditional use in each zone, with Conditional Use being regulated through the Planning Commission on a per case basis. If no structural alterations are made, a nonconforming use of a building may be hereafter extended throughout a building which was lawfully and manifestly arranged or designed for such use at the time of the enactment of the ordinance.
- e. Discontinuance of nonconforming uses. No building or land or portion thereof used in whole or in part for a nonconforming use, which remains idle or unused 'for a continuous period of one year, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which it is located
- f. Destruction of a nonconforming use. No building which has been damaged by any cause whatsoever to the extent of more than 50 percent of the fair market value of the building immediately prior to damage, shall be restored except in conformity with the regulations of the ordinance, and all rights as a nonconforming use are terminated. If a building is damaged by less than 50 percent of the fair market value, it may be repaired or reconstructed to its original size and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within 12 months of the date of such damage.
- g. Intermittent use. The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a non-conforming use and the existence of nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract

- h. Existence of a nonconforming use. In cases, of doubt, and on specific questions raised, whether a nonconforming use exists shall be a question of fact and shall be decided by the City of Hernando after public notice and hearing and receipt of the report and recommendation of the Planning Commission
- i. Change of nonconforming use. If no alterations are made, any nonconforming use of a structure and premises, may be changed to another nonconforming use provided that the Planning Commission shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Such request shall follow the same administrative course as application for a conditional use
- j. Nonconforming uses not validated. A nonconforming use in violation of a provision of the ordinance which this repeals shall not be validated by the adoption of this ordinance.

13. ARTICLE XIV CONDITIONAL USES

- a. Subject to the provisions of Sections 1 and 2 of this Article, the Planning Commission may by resolution grant a conditional use for the uses enumerated as conditional uses in any district as herein qualified and shall impose appropriate conditions and safeguards including a specified period of time for the use to protect the General Development Plan and conserve and protect property and property values in the neighborhood.
- b. Applications for conditional use for uses authorized by this ordinance shall be made to the Planning Commission. A public hearing shall be held, after giving at least 15 days notice of the hearing in an official paper specifying the time and place for said hearing. The Planning Commission will investigate all aspects of the application giving particular regard to whether such building use will:
 - i. Substantially increase traffic hazards or congestion.
 - ii. Substantially increase fire hazards.
 - iii. Adversely affect the character of the neighborhood. Adversely affect the general welfare of the city.
 - iv. Overtax public utilities or community facilities.
 - v. Be in conflict with the General Development Plan.

If the findings by the Planning Commission relative to the above subjects are that the city would benefit from the proposed use and the surrounding area would not be adversely affected, then such permits shall be granted.

- c. Any proposed conditional use shall otherwise comply with all the regulations set forth in this ordinance for the district in which such use is located.
- d. All applications for conditional use within one mile of another jurisdiction will be referred to the planning commission of the jurisdiction prior to final decision.

14. ARTICLE XV REQUIRED OFF-STREET PARKING AND LOADING

- a. When any building or structure is hereafter erected, structurally altered, or converted for any of the uses listed below, the following off-street parking spaces shall be provided.
 - i. For single-family dwellings, two spaces per dwelling unit; for multi-family dwellings, two spaces per dwelling unit
 - ii. For cabins and camps, one space for each two beds, but not less than one space for each cabin or other habitable facility
 - iii. For places of public assembly, including auditoriums, theaters, and music auditoriums of churches, one space for each four seats provided.
 - iv. For schools, two spaces for each classroom, plus one for each 10 seats in the auditorium or gymnasium
 - v. For institutions, clubs, lodges, and other public and semi-public buildings, one space for each 300 square feet of floor area.
 - vi. For commercial uses:
 - (1) Retail sales and services - 1 space per 200 square feet of gross floor area
 - (2) Office buildings, banks, business and professional services - 1 space per 300 square feet of gross floor area.
 - (3) Commercial recreation facilities and restaurants - 1 space per 100 square feet of gross floor area
 - (4) Hotels and motels - 1 space per unit
 - (5) Warehouses - 1 space per 1,000 square feet of gross floor area.
 - vii. For industrial uses, one space for each 1.3 employees of the maximum number employed on the premises at any one time or on the combined shifts,

- b. The foregoing requirements are subject to the following general rules and exceptions:
 - i. In the "R" District, no parking of motor vehicles shall be allowed in any front yard, except in a paved drive-way.
 - ii. No major recreational equipment such as boats and boat trailers, travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, and the like, over 20' in length, shall be parked or stored outside a building in any yard in any "R" District. No more than one recreational vehicle may be stored outside an enclosed structure on any lot in an "R" District.
 - iii. Junk vehicles, recreation equipment, and trailers of any kind or type without current inspection stickers shall not be parked or stored on any residentially zoned property other than incompletely enclosed buildings
 - iv. No truck rated more than 1 ton, trailer (low-boy, flat bed or otherwise), tractor, or other machines or heavy equipment shall be parked in any AR or R zone in either the yard or at the street other than for service and delivery

- purposes.
- v. If the existing use of a building or structure shall be increased by the addition of dwelling units, gross floor area, seating capacity or any other measure to increase intensity of use, the provisions of this Article shall only apply to the extent of such increase in use
 - vi. In computing the number of parking spaces required, the following rules shall govern:
 - (1) Where fractional spaces result, the parking spaces required shall be the next largest whole number.
 - (2) In the case of mixed use, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
 - vii. Entrance and exit areas to the required parking areas of industrial and commercial uses shall be of a hard surface, asphalt or concrete, and forty (40) feet from any existing paved road.
 - viii. Off-street loading space will be provided for all commercial and industrial uses and any other use requiring bulk pickup or delivery. Such off-street loading space will be scaled to the loading demand created by the use of the property and the size of the delivery vehicles used. In no instances will loading or unloading of vehicles be allowed in a public right-of-way or in space provided to meet off-street parking requirements.
 - ix. No building or part thereof heretofore erected, which is used for any of the purposes specified above, shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with the provisions of this Article.

15. ARTICLE XVI THE PLANNING COMMISSION

- a. A Planning Commission is hereby created. The Commission shall be appointed by the City of Hernando for a term of office concurrent with the term of office of the City of Hernando Board of Aldermen. Vacancies shall be filled for the unexpired term of any member,

- b. The Planning Commission shall adopt rules for the conduct of its business, establish a quorum and procedures and keep a public record of all findings and decisions. Meetings of the Commission shall be at the call of the Chairman and at such other times as the Commission may determine. Each session of the Planning Commission at which an appeal is heard shall be a public meeting.

- c. The Planning Commission shall have the following powers and duties:
 - i. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the building official in the enforcement of this ordinance. All appeals must be made in writing within 10 days of notice thereof.

 - ii. To authorize upon appeal in special cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Planning Commission unless and until:
 - (1) A written application for a variance is submitted demonstrating:
 - (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are applicable to other lands, structures, or buildings in the same district.
 - (b) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance
 - (c) That special conditions and circumstances do not result from the actions of the applicant.
 - (d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

 - (2) A public hearing shall be held after giving at least 15 days notice of

the hearings in an official newspaper specifying the time and place for said hearing.

- (3) The Planning Commission shall make findings that the requirements of paragraph 1 above have been met by the applicant for a variance; that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and that the variance will be in harmony with the general purpose and intent of this ordinance. In granting a variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Article XIII, of this ordinance.
- iii. To hear and decide the following exceptions to this ordinance after public hearing as provided for in paragraph 3 b (2) above:
 - (1) To permit the extension of a district where the boundary line thereof divides a lot held by a single ownership at the time of adoption of this ordinance
 - (2) Interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan as shown upon the Zoning District p where the street layout on the ground varies from the Street layout as shown on this Zoning District Map
 - (3) Vary the parking regulations by not more than 50 percent where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by this ordinance. In the "C-3" District, parking regulations may be varied more than 50 percent where extreme and unusual hardship is shown
 - iv. To grant conditional use permits according to the provisions of Article XIV.
 - v. Any person or persons aggrieved by any decision of the Planning Commission may appeal within 10 days to the City of Hernando and the City of Hernando may affirm, reverse, remand or modify the decision as may be proper. Parties aggrieved by decisions of the City of Hernando may seek review by a Court of Record as provided by law.

16. ARTICLE XVII ADMINISTRATION

It shall be the duty of the person designated by the City of Hernando to administer and enforce the regulations contained herein.

- a. It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, razing, or moving of any building or structure or any portion thereof without first having applied in writing to the Building Official for a building permit to do so and a building permit has been granted therefor. No building permit shall be required for alteration or repairs on the interior of any building where the use or occupancy is not changed as a result thereof. No building permit shall be required for erection, construction, reconstruction, conversion, alteration, enlargement, extension, razing, or moving a farm building or structure as herein defined except as may be required by the Flood Plain Management Ordinance. Prime responsibility for securing the necessary permits shall be the property owners. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person, or firm, hired to ensure that all required permits and approvals have been secured prior to any work being initiated.
- b. Before a building permit is issued in any commercial or industrial district for any new structure or change in use, other than an accessory building or an addition to an existing building on the same lot, the owner or developer shall be required to improve one-half of any City road which the property adjoins in accordance with applicable City road standards for commercial and industrial developments. The width of the traveling surface will be dictated by the City Major Thoroughfare Plan and installation of curb and gutter and proper drainage structures will be required. If such improvements are not constructed prior to the issuance of the building permit, the owner shall be required to execute an agreement that the improvements will be constructed prior to a final inspection on the building.
- c. Blank forms shall be provided by the Building Official for the use of those applying for permits as provided in this ordinance. Any permits issued by the Building Official shall be on standard forms for such purpose and furnished by the City of Hernando.
- d. A careful record of all such applications, plans and permits shall be kept in the Office of the Building Official. Fees for the issuance of permits shall be established by the City of Hernando.
- e. Any building permit under which no construction work has been commenced within six months after the date of issuance of said permit or under which proposed construction has not been completed within two years of the time of issuance shall

expire by limitation. The Director of Planning of the City of Hernando shall have the authority to grant a reasonable extension of time for the expiration of said permit if the building is not started or completed within the required time.

- f. Subsequent to the effective date of this ordinance, no change in the use or occupancy of land nor any change of use or occupancy in an existing building other than for single family dwelling purposes shall be made, nor shall any new building be occupied until a Certificate of Occupancy has been issued by the Building Official. Every Certificate of Occupancy shall state that the new occupancy complies with all provisions of this ordinance. No permit for excavation for or the erection or alteration of any building shall be issued before the application has been made and approved for a Certificate of Occupancy and no building or premises shall be occupied until such Certificate and permit is issued. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Official and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or a building affected by such Certificate of Occupancy. On new construction, the Final Inspection Report by the Building Official will serve as the Certificate of Occupancy, if such inspection indicated compliance with this ordinance.
- g. In case any building or structure is erected, reconstructed altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the proper authorities in addition to other remedies may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business, or use in or about such premises. Any person, firm or corporation who shall knowingly and willfully violate the terms, conditions, or provisions of this ordinance, for violation of which no other criminal penalty is prescribed, shall be guilty of misdemeanor and upon conviction therefore shall be sentenced to pay a fine of not to exceed \$500.00 and in case of continuing violations without reasonable effort on the part of the defendant to correct the same each day the violation continues thereafter shall be a separate offense.
- h. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the building official. He shall record properly such complaint, immediately investigate and take action thereon as provided by this ordinance.

17. ARTICLE XVIII AMENDMENTS

The City of Hernando shall have the authority to amend, supplement, change, modify, or repeal by ordinance the text or map of the Zoning Ordinance in accordance with the provisions of this Article

- a. Procedure: A proposed change of a district or of text may be initiated by the Planning Commission, Mayor and Board Aldermen, or by application of one or more owners of property within the area proposed to be changed.
 - i. The City of Hernando may propose amendments by forwarding its written proposal, which shall set forth the purpose and reason for such proposed amendment, to the Planning Commission for processing in accordance with the procedure set forth in this Article
 - ii. The Planning Commission may make written proposals for amendments which shall set forth the purpose and reason for such proposed amendment, and which shall be processed in accordance with the procedure set forth in this Article
 - iii. The owner or other person having a contractual interest in the property to be affected by a proposed amendment shall file an application with the Planning Commission, which application shall be accompanied by a non-refundable fee established from time to time by the City of Hernando.
 - iv. An applicant for amendment of the Zoning District Map shall have the responsibility to demonstrate the appropriateness of the change shall include the following:
 - (1) How the proposed amendment would conform to the General Development Plan;
 - (2) Why the existing zone district classification of the property in question is inappropriate or improper
 - (3) That major economic, physical, or social changes, if any, have occurred in the vicinity of the property in question that were not anticipated by the General Development Plan and have substantially altered the basic character of the area, which make the proposed amendment to the Zoning District Map appropriate;
 - (a) List such changes
 - (b) Describe how said changes were not anticipated by the General Development Plan
 - (c) Describe how said changes altered the basic character of the
 - (d) Describe how said changes make the proposed amendment to the Zoning District Map appropriate.
 - v. Any proposed amendments, supplements, change, modification, or repeal shall be first submitted to the Planning Commission for its recommendations and report and the Planning Commission shall hold a public hearing thereon.
 - vi. The Planning Commission shall make its recommendation on such request

for any amendment, supplement, change, or modification, or repeal to the City of Hernando, and the City of Hernando shall proceed to hold a public hearing in relation thereto after giving 15 days notice of the hearings in an official newspaper specifying the time and place for said hearing

- vii. The City of Hernando may refer the application back to the Planning Commission for additional study before final decision; however no notice other than for the first public hearing need be given

In case of an adverse report by the Commission such amendment shall not become effective except by the favorable vote of 2/3 of the members of the Board of Aldermen. In case of a protest against such change signed by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending one hundred sixty (160) feet therefrom or of those directly opposite thereto, extending one hundred sixty (160) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fifths (3/5) of the members of the Board of Aldermen who are not required by law or ethical considerations to recuse themselves. (July 1, 2004 change in State Statute).

18. ARTICLE XIX SAVING CLAUSE

In the event any ARTICLE, Section, clause or provision of this ordinance is declared by the courts to be invalid, the same shall not effect the validity of these regulations as a whole or any part thereof other than the part so declared to be invalid.

19. ARTICLE XX REPEAL OF PRIOR ORDINANCE

The Zoning Regulations adopted by City of Hernando, Mississippi, recorded in Minute Book EE pages 305 through 368, and all amendments thereof, are repealed on the effective date of this ordinance. However, all applications and matters which have commenced under the January 5, 1983 ordinance shall be completed with decisions rendered under regulations set forth in this ordinance without the necessity of a new application therefor.

20. ARTICLE XXI EFFECTIVE DATE

All notices, hearings, and matters to be performed, having been completed, this ordinance shall take effect and be in force from and after the date of its final adoption. ORDERED AND DONE, this the 10th day of March, 1994.