

**ORDINANCE 99-19**

**AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, ZONING ORDINANCE, APPENDIX A, BY AMENDING ARTICLE 1. SECTION 3. DEFINITIONS BY CREATING A DEFINITION FOR COMMERCIAL VESSELS; BY AMENDING ARTICLE III, SPECIFIC REGULATIONS, SECTION 3. SPECIFIC USE REGULATIONS, BY INCLUDING (G) A PROVISION FOR COMMERCIAL VESSELS AND RENUMBERING SUBSEQUENT ITEMS; BY AMENDING ARTICLE IV. ZONING DISTRICT REGULATIONS, SECTION 2, RESIDENTIAL DISTRICTS BY INCLUDING A PROVISION ADDRESSING THE MOORING OF COMMERCIAL VESSELS; BY AMENDING ARTICLE IV. ZONING DISTRICT REGULATIONS, SECTION 3. COMMERCIAL DISTRICTS BY AMENDING PERMITTED USES IN THE CM-1 AND/OR CM-2 DISTRICTS; BY AMENDING ARTICLE IV. ZONING DISTRICT REGULATIONS, SECTION 6. RURAL DISTRICTS BY INCLUDING A PROVISION ADDRESSING THE MOORING OF COMMERCIAL VESSELS; BY AMENDING ARTICLE IV. ZONING DISTRICT REGULATIONS, SECTION 13. AGRICULTURAL/RESIDENTIAL DISTRICTS BY INCLUDING A PROVISION ADDRESSING THE MOORING OF COMMERCIAL VESSELS; BY PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

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HERNANDO COUNTY  
FLORIDA

**WHEREAS,** The County's Land Development Regulations currently prohibit the mooring or docking of commercial vessels at residential properties; and,

**WHEREAS,** the County's Land Development Regulations limit the types of commercial vessels that can be moored or docked in certain commercial marine districts; and,

**WHEREAS,** the Hernando County Board of County Commissioners after full consideration of the matter desires to amend the Zoning Ordinance to permit mooring or docking of commercial vessels of certain types and sizes in specified zoning districts;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA THAT THE FOLLOWING PROVISIONS ARE HEREBY ENACTED:**

**SECTION 1. BY AMENDING ARTICLE I. SECTION 3. DEFINITIONS BY CREATING A DEFINITION FOR COMMERCIAL VESSEL AS FOLLOWS:**

- 110. Commercial vessel:
  - (a) Any vessel primarily engaged in the taking or landing of saltwater fish or saltwater products or freshwater fish or freshwater products, or any vessel licensed pursuant to section 370.06, Florida Statutes from which commercial quantities of saltwater

products are harvested, from within and without the waters of this state for sale either to the consumer, retail dealer, or wholesale dealer.

(b) Any vessel engaged in any activity wherein a fee is paid by the user, either directly or indirectly, to the owner, operator, or custodian of the vessel.

111. Pleasure craft: any vessel that is not a commercial vessel or otherwise operated for commercial purposes.

**SECTION 2. BY AMENDING ARTICLE III, SECTION 3, SPECIFIC REGULATIONS BY INCLUDING A PROVISION FOR COMMERCIAL VESSELS AND RENUMBERING SUBSEQUENT ITEMS, AS FOLLOWS:**

- (G) Commercial vessels
1. Except where expressly permitted by this Code or as otherwise provided in this section, it is unlawful to moor, dock or anchor any commercial vessel to property or to any dock, pier or other structure in any zoning district,
  2. One commercial vessel less than 26 feet in length operated by the legal resident owner of a parcel of property may be moored or docked on or to that property in any district zoned for or permitting residential use.
  3. One commercial vessel operated by the legal resident owner of a parcel of property may be moored or docked on or to that property in all Agricultural/Residential (A/R) zoning districts.

**SECTION 3: BY AMENDING ARTICLE IV. ZONING DISTRICT REGULATIONS, SECTION 3. COMMERCIAL DISTRICTS (A) PERMITTED USES (5), PERMITTED USES IN THE CM-1 COMMERCIAL MARINE DISTRICT, AS FOLLOWS:**

- (5) Permitted uses in the CM-1 Commercial Marine District shall be as follows:
- (a) Marinas for pleasure craft with screened, fenced boat storage areas.\*
  - (b) Marinas for commercial vessels limited to those defined in Article I, Section 3, 110(a) which are less than 26' in length with screened, boat storage areas\*
  - (c) Marinas for commercial vessels limited to those defined in Article I, Section 3, 110.(b), with screened, fenced boat storage areas.\*

\*Fencing shall be six (6) feet in height. Where fencing is not opaque, screening shall consist of a three-foot hedge along streets abutting the property. Tree plantings (one (1) per fifty (50) feet) shall be provided on property lines adjacent to commercially zoned property and a six-foot hedge along the property lines along residentially zoned property unless adjacent to a water body. Where fencing is opaque, one (1) tree per fifty (50) feet shall be provided along property lines to provide screening. Marinas, including expansions or additions to existing marinas, located on waterways shall be constructed with seawalls meeting county standards.

- (d) Accessory uses which are designed as an integral part of a marina, including, but not necessarily limited to the following:
  - 1. Administrative offices
  - 2. Gift and Souvenir shops
  - 3. Laundromats
  - 4. Restaurants
  - 5. Sale of fuel and lubricants
  - 6. Sanitary facilities (restrooms and showers for transient persons; pump out facilities for on-board sanitation, wastewater holding pretreatment or treatment)
  - 7. Consumption on premises--In conjunction with a restaurant where the dispensation of alcoholic beverages is secondary to the dispensation of food
- (e) Bait and tackle shop
- (f) Boat parts store including installation
- (g) Docking or mooring facilities for any pleasure craft or permitted commercial vessels
- (h) Dry boat storage, not exceeding sixty (60) feet in height above flood zone
- (i) Sales, service, minor repairs and rental of pleasure boats, motors and accessories
- (j) Schools, commercial-limited to sailing and marine-oriented outdoor lifestyle schools
- (k) One (1) single-family dwelling unit (minimum of six hundred (600) square feet) per commercial parcel in conjunction with the operation of a business on the premises; such single-family dwelling unit shall be an integral part of the principal business structure and located behind or above that portion of the business structure devoted to service to the public

**SECTION 4. BY AMENDING ARTICLE IV. ZONING DISTRICT REGULATIONS, SECTION 3. COMMERCIAL DISTRICTS (6) PERMITTED USES IN THE CM-2 COMMERCIAL MARINE**

**DISTRICT, AS FOLLOWS:**

(6) Permitted uses in the CM-2 Commercial Marine District shall be as follows:

- (a) Marinas for pleasure crafts or commercial vessels with fenced, screened boat storage areas.\*

\*Fencing shall be six (6) feet in height. Where fencing is not opaque, screening shall consist of a three-foot hedge along streets abutting the property. Tree plantings (one (1) per fifty (50) feet) shall be provided on property lines adjacent to commercially zoned property and a six-foot hedge along the property lines along residentially zoned property unless adjacent to a water body. Where fencing is opaque, one (1) tree per fifty (50) feet shall be provided along property lines to provide screening. Marinas, including expansions or additions to existing marinas, located on waterways shall be constructed with seawalls meeting county standards.

- (b) Accessory uses which are designed as an integral part of a marina, including, but not necessarily limited to the following:

1. Gift and souvenir shops
2. Laundromats
3. Restaurants
4. Sale of fuel and lubricants
5. Sanitary facilities (restrooms and showers for transient persons; pump out facilities for onboard sanitation, wastewater holding pretreatment or treatment)
6. School, commercial-limited to sailing and marine-oriented, outdoor life-style schools
7. Signs, provided such signs comply with the Hernando County Sign Ordinance

- (c) Administrative offices

- (d) Bait and tackle shop

- (e) Sales, service, minor repairs and rental of boats, motors, and accessories

- (f) Consumption on premises-In conjunction with a restaurant where the dispensation of alcoholic beverages is secondary to the dispensation of food

- (g) Boat parts store including installation

- (h) Docking or mooring facilities for any pleasure craft or permitted commercial vessels

- (i) Dry boat storage, not exceeding sixty (60) feet in height above flood zone

- (j) Commercial fisheries, land support but limited to: Ice manufacture, ice service to fishing boats, landing, icing, boxing and shipping fresh fin

fish, shellfish (mollusks) and crustaceans. All outside storage areas other than boat storage must be screened with a six-foot fence of eighty (80) percent opacity

- (k) One (1) single-family dwelling unit (minimum of six hundred (600) square feet) per commercial parcel in conjunction with the operation of a business on the premises; such single-family dwelling unit shall be an integral part of the principal business structure and located behind or above that portion of the business structure devoted to service to the public

#### **SECTION 6. SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of this ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remaining portions of said ordinance shall not be affected thereby.

#### **SECTION 7. INCLUSION INTO THE CODE**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of Hernando County, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

#### **SECTION 8. EFFECTIVE DATE**

This Ordinance shall become effective upon receipt of the official acknowledgment from the office of the Secretary of State of the State of Florida that this Ordinance has been filed with said office.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION THIS 10th DAY OF AUGUST, 1999.**

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

BY   
**RAT NOVY, CHAIRMAN**

ATTEST   
**KAREN NICOLAI, CLERK**

