

ORDINANCE # 2002-12

AN ORDINANCE RELATING TO RE-ENACTMENT OF A PORTION OF THE ZONING ORDINANCE AS CODIFIED; PROVIDING FOR INTENT; PROVIDING FOR RE-ENACTMENT OF CERTAIN SECTIONS FOR CONSISTENCY WITH THE CURRENTLY ENACTED AND ADOPTED CODIFIED ZONING ORDINANCE, APPENDIX A, OF THE HERNANDO COUNTY CODE OF ORDINANCES AS FOLLOWS: ARTICLE II, GENERAL REGULATIONS, SECTION 2. GENERAL REGULATIONS FOR STRUCTURES AND USES, H. REGULATION FOR TEMPORARY USES AND STRUCTURES; ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 3. COMMERCIAL DISTRICTS, (B) PERMITTED ACCESSORY USES AND STRUCTURES IN ALL COMMERCIAL DISTRICTS, (C) CONDITIONAL USES ALLOWED IN ALL COMMERCIAL DISTRICTS; ARTICLE V, ADMINISTRATION, SECTION 4. CONDITIONAL USE PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA;

SECTION 1. INTENT.

It is the intent of the Hernando County Board of County Commissioners that the following sections be and hereby re-enacted for consistency with the currently enacted and adopted codified Zoning Ordinance, Appendix A of the Hernando County Code of Ordinances, and that, no substantive change from such re-enacted Code is hereby intended, except to verify and confirm that all prerequisites to validity of such re-enacted sections have been affirmatively met and to make style changes which clarify original intent.

SECTION 2. ARTICLE II, GENERAL REGULATIONS, SECTION 2. GENERAL REGULATIONS FOR STRUCTURES AND USES, H. REGULATION FOR TEMPORARY USES AND STRUCTURES, AS FOLLOWS:

- H. Regulations for Temporary Uses and Structures:
1. Temporary uses and structures as provided for in this code may be allowed subject to meeting the following development review standards:
 - a. A site plan depicting the proposed use in relation to the overall parcel on which it is to be located must be provided.
 - b. Driveway access permits shall be obtained.
 - c. Adequate parking shall be provided in conformity with the required standards for the use without reducing the required parking for the established permitted activity
 - d. A covered trash or garbage receptacle with a plastic liner will be kept on site.
 - e. Adequate restroom facilities shall be provided.

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ORDINANCE # 2002-12

2. Seasonal sales of plants and plant material shall be allowed as a temporary use in the parking area of established churches, schools and fraternal organizations. Seasonal sales uses must meet the criteria in item 1 above.
3. Roadside Sales are prohibited unless otherwise authorized by the County's Land Development Regulations.

SECTION 3. ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 3. COMMERCIAL DISTRICTS, (B) PERMITTED ACCESSORY USES AND STRUCTURES IN ALL COMMERCIAL DISTRICTS, (C) CONDITIONAL USES ALLOWED IN ALL COMMERCIAL DISTRICTS, AND CONFIRMING RENUMBERING OF SUBSEQUENT ITEMS, AS FOLLOWS:

Section 3. Commercial Districts.

The following regulations shall apply to Commercial Districts as indicated:

- B. *Permitted accessory or temporary uses and structures in all commercial districts:***
- (1) Permitted accessory uses and structures in all commercial districts are: Signs identifying the name and type of activity conducted on the same premises; and, garages or other buildings not used as dwellings and accessories to the principal uses.
 - (2) In the C-4 and A/C Commercial districts, screened outside storage shall be permitted behind the building line as an accessory use to a permitted use. Screening shall be required from adjoining and contiguous properties by a wall, fence or other approved enclosures. Screening shall meet an eighty (80) percent opacity standard. Such screening shall be located behind the building line and shall have a minimum height of five (5) feet and maximum of eight (8) feet.
 - (3) In the C-2 district, welding shops customarily incidental to the principal use of the property shall be permitted as an accessory use provided the welding shop does not exceed 25% of the principal use area.
 - (4) Temporary uses or structures are allowable in the parking area of all commercial districts provided they are the same use or accessory to a permitted established use on the same parcel of property. Such temporary uses or structures must be authorized by the property owner and authorized by the owner of an established use on the site. All Temporary uses and structures must meet Article II, General Regulations, Section 2. (H) General Regulations for Temporary Structures and Uses. Said temporary uses or structures shall be allowed on a commercial parcel no more

ORDINANCE # 2002-12

than four times during a calendar year and the aggregate duration of all such events totals no more than sixty days per calendar year with no one event exceeding thirty days in duration.

SECTION 4. APPENDIX A, ARTICLE V, ADMINISTRATION, SECTION 4. CONDITIONAL USE PERMIT, THROUGH MODIFICATION AS FOLLOWS:

Section 4. Conditional Use Permit.

The conditional use permit is intended to be utilized as a special permit which temporarily allows uses not otherwise permitted by this ordinance.

- A. *Permitted conditional uses in any zoning district:*
- (1) Temporary real estate sales office exclusively for real estate sales of property in a developing subdivision.
 - (2) Carnivals, circuses, tent revivals and activities of a similar nature.
 - (3) Second principal building on one lot of record in cases of extreme personal hardship, etc.
 - (4) Temporary structures.
 - (5) Temporary uses
 - (6) Seasonal sales of plants or plant materials
- B. *Other Conditional Uses Permitted in Specific Zoning Districts:*
- (1) Conditional uses other than those listed above may be permitted in specific zoning districts as provided for in this Ordinance.
- C. *Application Procedure:*
- (1) Application for a conditional use permit. The application for a conditional use permit shall be in the form prescribed by the rules of the Governing Body and requires a site plan depicting the proposed conditional use in relation to the parcel of property on which it is to be located and adjoining properties. The application shall be accompanied by an affidavit of written permission by the property owner of record and any applicable application fees.
 - (2) If a public hearing before the Planning and Zoning Commission or Board of County Commissioners is required or requested by appeal hereunder, upon fixing a date for the public hearing the petitioner shall post the property with a public notice sign as supplied by the County Administrator or designee. The notice shall be posted in a conspicuous location at the front lot line at least ten (10) days prior to the scheduled hearing date. Additionally, the County Administrator or designee shall mail a notice giving the time, place, and purpose of the meeting to each property owner within two

ORDINANCE # 2002-12

hundred fifty (250) feet of the parcel covered by the application. The notice shall be mailed at least ten (10) days prior to the scheduled meeting date.

- (3) The petitioner shall be responsible for all costs incurred in the notice procedure.

D. *Issuance of Permit:*

- (1) After the application and accompanying information has been received and processed by the Development Department, those applications for conditional use permits of four weeks or less duration shall be approved or denied by the Administrative Official within fourteen (14) days, unless referred to the Planning and Zoning Commission for review and action. The Administrative Official's decision may be appealed to the Board of County Commissioners.
- (2) Those applications for conditional use permits of more than four (4) weeks and five (5) years or less duration must be reviewed and acted upon by the Planning and Zoning Commission.
- (3) No conditional use permit shall be issued for a period to exceed two (2) years unless otherwise specified in this Ordinance. However, conditional use permits may be renewed or extended upon reapplication.

E. *Review by governing body.* The governing body, by a majority vote, may decide to review any conditional use permit decision rendered by the planning and zoning commission.

The decision of the governing body to review such decision must be made within thirty (30) days of the rendering of the decision of the planning and zoning commission. If at least a majority (three (3) members) of the governing body do not vote to review the commission action within thirty (30) days, the commission decision shall be deemed final and subject only to review by circuit court.

The initial review of the decision by the governing body shall be at a public hearing held within sixty (60) days of the commission decision. "Public notice," for this subsection, shall mean publication of notice of the time, place and purpose of such hearing one time in a newspaper of general circulation in the county, such publication to be at least five (5) days prior to such hearing, and such notice shall be posted in a conspicuous place or places on or around such lots, parcels or tracts of lands as may be involved in the hearing. Affidavit proof of the required publication and posting of the notice shall be presented at the hearing.

At the public hearing, the governing body may affirm, modify or reverse the decision of the planning and zoning commission.

ORDINANCE # 2002-12

SECTION 5. SEVERABILITY

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

SECTION 6. INCLUSION INTO THE CODE

The provisions of this ordinance shall be conformed with the enacted Code of Ordinances of Hernando County and may be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 7. 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 23rd DAY OF JULY, 2002.**

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

BY *Hannah M. Robinson*
**HANNAH M. ROBINSON,
CHAIRPERSON**

SEAL

ATTEST *Jenine E. Nimer, Deputy*
KAREN NICOLAI, CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
[Signature] 7/31/02
County Attorney's Office