

ORDINANCE NO. 87-26

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, APPENDIX A, ZONING REGULATIONS BY AMENDING ARTICLE IV, SECTION 1, SUBSECTION A TO PROVIDE FOR THE PURPOSE AND INTENT OF THE COMMERCIAL MARINE DISTRICTS; CREATING ARTICLE IV, SECTION 3, SUBSECTION A, ITEMS 5 AND 6 TO PROVIDE FOR THE PERMITTED AND ACCESSORY USES IN THE COMMERCIAL MARINE DISTRICTS; CREATING ARTICLE IV, SECTION 3, SUBSECTION B, ITEMS 5 AND 6 TO PROVIDE FOR SPECIAL EXCEPTION USES IN THE COMMERCIAL MARINE DISTRICTS; AMENDING ARTICLE IV, SECTION 3, SUBSECTION D, ITEM 1 TO PROVIDE FOR A FRONT YARD SETBACK IN THE COMMERCIAL MARINE DISTRICTS; CREATING ARTICLE IV, SECTION 3, SUBSECTION D TO PROVIDE FOR A SETBACK FROM WATER BODIES IN THE COMMERCIAL MARINE DISTRICTS; AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, APPENDIX A, ZONING REGULATIONS BY DELETING ARTICLE IV, SECTION 3, SUBSECTIONS A(4)(D), AND C(2)(C) WHICH PREVIOUSLY PROVIDED FOR HEAVY MARINE USES IN THE COMMERCIAL ZONING DISTRICTS AS A PERMITTED OR SPECIAL EXCEPTION USE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. HERNANDO COUNTY CODE OF ORDINANCES APPENDIX A, ZONING REGULATIONS, ARTICLE IV, SECTION 1, SUBSECTION A, ITEMS 20 AND 21 ARE HEREBY CREATED TO READ:

20. CM-1 - MARINE COMMERCIAL DISTRICT: The purpose and intent of the CM district is to permit the designation of suitable locations for and to ensure the proper development and use of land and adjacent waters for commercial marinas and other uses incidental to such facilities. The principal uses of land at these locations shall be limited to water front dependent uses required for the support of recreational boating and fishing. The principal criterion for designating such locations, and regulating the development and use thereof, shall be minimizing or eliminating adverse impacts on the natural environment.

21. **CM-2 - HEAVY MARINE COMMERCIAL DISTRICT:** The purpose and intent of the CM-2 district is to permit the designation of suitable locations for and to ensure the proper development and use of land and adjacent waters for commercial Marinas and commercial fishing establishments. Such uses are more intense than those normally encountered in a recreational marina, yet far short of the intensity of use represented by the storage and commodity handling facilities and equipment attendant to the waterborne commerce movement facilities which are normally associated with seaports. The heavy marine commercial district is intended to accommodate such uses as boat and engine maintenance and repair, landing, icing, and shipping of fish and seafood.

SECTION 2. HERNANDO COUNTY CODE OF ORDINANCES APPENDIX A, ZONING REGULATIONS, ARTICLE IV, SECTION 3, SUBSECTION A, ITEMS 5 AND 6 ARE HEREBY CREATED TO READ:

5. Permitted uses in the CM-1 Commercial Marine District shall be as follows:

MARINAS for pleasure craft with screened fenced boat storage areas.*

* - Fencing shall be six feet in height. Where fencing is not opaque, screening shall consist of a three foot hedge along streets abutting the property. Tree plantings (one per 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 waterbody. Where fencing is opaque, one tree per fifty foot 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.

ACCESSORY USES which are designed as an integral part of a marina, including, but not necessarily limited to the following:

Administrative Offices

Gift and Souvenir Shops

Laundromat

Restaurants

Sale of fuel and lubricants

Sanitary facilities (restrooms and showers for transient persons; pump out facilities for onboard sanitation, wastewater holding pretreatment or treatment).

CONSUMPTION ON PREMISES - in conjunction with a restaurant where the dispensation of alcoholic beverages is secondary to the dispensation of food.

BAIT AND TACKLE SHOP

BOAT PARTS STORE INCLUDING INSTALLATION

DOCKING OR MOORING FACILITIES FOR PLEASURE CRAFT

DRY BOAT STORAGE, NOT EXCEEDING 60 FEET IN HEIGHT ABOVE FLOOD ZONE

SALES, SERVICE, MINOR REPAIRS AND RENTAL OF PLEASURE BOATS, MOTORS, AND ACCESSORIES

SCHOOLS, COMMERCIAL- LIMITED TO SAILING AND MARINE ORIENTED OUTDOOR LIFESTYLE SCHOOLS

ONE SINGLE-FAMILY DWELLING UNIT (MINIMUM OF 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 THE PORTION OF THE BUSINESS STRUCTURE DEVOTED TO SERVICE TO THE PUBLIC.

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

MARINAS with fenced screened boat storage areas*

* - Fencing shall be six feet in height. Where fencing is not opaque, screening shall consist of a three foot hedge along streets abutting the property. Tree plantings (one per 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 waterbody. Where fencing is opaque, one tree per fifty foot 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.

ACCESSORY USES which are designed as an integral part of a marina, including, but not necessarily limited to the following:

Gift and Souvenir Shops

Laundromat

Restaurants

Sale of fuel and lubricants

Sanitary facilities (restrooms and showers for transient persons; pump out facilities for onboard sanitation, wastewater holding pretreatment or treatment).

School, Commercial - limited to sailing and marine oriented outdoor lifestyle schools

Signs, provided such signs comply with the Hernando County Sign Ordinance

ADMINISTRATIVE OFFICES

BAIT AND TACKLE SHOP

SALES, SERVICE, MINOR REPAIRS AND RENTAL OF BOATS, MOTORS, AND ACCESSORIES

CONSUMPTION ON PREMISES - in conjunction with a restaurant where the dispensation of alcoholic beverages is secondary to the dispensation of food.

BOAT PARTS STORE INCLUDING INSTALLATION

DOCKING OR MOORING FACILITIES

DRY BOAT STORAGE, NOT EXCEEDING 60 FEET IN HEIGHT ABOVE FLOOD ZONE

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 (6) foot fence of 80 percent opacity.

ONE SINGLE FAMILY DWELLING UNIT (minimum of 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 the portion of the business structure devoted to service to the public.

SECTION 3. HERNANDO COUNTY CODE OF ORDINANCES APPENDIX A, ZONING REGULATIONS, ARTICLE IV, SECTION 3, SUBSECTION B, ITEMS 5 AND 6 ARE HEREBY CREATED TO READ:

5. Special Exception uses in the CM-1 Commercial Marina District shall be as follows:

HOTEL/MOTEL

LIVE-ABOARDS - permanent residence aboard docked or moored boat

6. Special Exception uses in the CM-2 Heavy Commercial Marina District shall be as follows:

HOTEL/MOTEL

LIVE-ABOARDS - permanent residence aboard docked or moored boat

BOATYARDS- Heavy repair, boatbuilding

SEAFOOD PROCESSING PLANT

SECTION 4. HERNANDO COUNTY CODE OF ORDINANCES APPENDIX A, ZONING REGULATIONS, ARTICLE IV, SECTION 3, SUBSECTION D, ITEM 1 IS HEREBY AMENDED TO READ:

- 1 Minimum front yard requirements: The minimum front yard requirement for districts C-1, C-2, C-4, CM-1 and CM-2 is 75

feet; provided however, any yard variances existing on October 1, 1987 shall remain in full force and effect on property rezoned to CM-1 or CM-2. The minimum front yard requirement for C-3 is 50 feet.

Along US 19, SR 50, US 41, US 98, US 301, CR 50, CR 485, and CR 585 east of Oak Lake Drive, front yard requirements shall be 125 feet.

SECTION 5. HERNANDO COUNTY CODE OF ORDINANCES APPENDIX A, ZONING REGULATIONS, ARTICLE IV, SECTION 3, SUBSECTION D, ITEM 5a IS HEREBY CREATED TO READ:

5a.

Commercial Water Body setbacks in the CM-1 and CM-2 districts: Where any of the above (front-side rear) setbacks in a CM-1 and CM-2 district are adjacent to a navigable water body, the setback may be reduced to twenty-five feet.

SECTION 6. HERNANDO COUNTY CODE OF ORDINANCES, APPENDIX A, ZONING REGULATIONS, ARTICLE IV, SECTION 3, SUBSECTIONS A(4)(D), AND C(2)(C) ARE HEREBY DELETED IN THEIR ENTIRETY.

SECTION 7. 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 8. INCLUSION INTO THE CODE

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

SECTION 9. EFFECTIVE DATE

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

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION
THIS 20TH DAY OF OCTOBER, 1987.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

BY


LEONARD F. TRIA, CHAIRMAN

ATTEST


HAROLD W. BROWN, CLERK

SEAL