

ORDINANCE NO. 99-7

AN EMERGENCY ORDINANCE IMPOSING A 90-DAY MORATORIUM ON THE INSTALLATION OF MANUFACTURED HOUSING IN HERNANDO COUNTY; PROVIDING FOR WAIVER OF NOTICE REQUIREMENTS AND EMERGENCY ENACTMENT; PROVIDING FOR INTENT; PROVIDING FOR A DEFINITION; PROVIDING FOR REPEAL OF EMERGENCY ORDINANCE NO. 99-6; PROVIDING FOR A VARIANCE PROCEDURE; PROVIDING FOR SEVERABILITY, INCLUSION INTO THE CODE, AND FOR AN EFFECTIVE DATE.

WHEREAS the Hernando County Board of County Commissioners hereby finds that current laws and ordinances permit the construction of incompatible single family residential units within Hernando County; and

WHEREAS the County is in doubt as to the statutorily permissible extent to which local regulations may operate upon the placement and installation of manufactured housing where such housing is incompatible with surrounding site-built homes; and

WHEREAS the Board of County Commissioners hereby finds that a temporary moratorium on the issuance of permits for the placement and installation of manufactured housing is necessary to the health, safety and welfare of the residents of Hernando County in order to permit the development of an appropriate level of local regulation while avoiding the simultaneous installation of incompatible housing during the time such regulations are developed; and

WHEREAS the Hernando County Comprehensive Plan provides for protection of existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment and requires clustering of similar uses for compatibility purposes, including architectural and aesthetic design; and

WHEREAS the Board of County Commissioners hereby finds that it is necessary for adopt a temporary moratorium as an emergency ordinance to prevent incompatible construction in violation of the Comprehensive Plan as approved by the Department of Community Affairs that would otherwise occur without adoption of this ordinance:

NOW THEREFORE BE IT ORDAINED BY THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS:

FILED
MAY 21 12:57
HERNANDO COUNTY, FLORIDA

SECTION 1- INTENT.

It is the intent of the Hernando County Board of County Commissioners to adopt a temporary moratorium on the placement and installation of manufactured buildings, to avoid construction that is inconsistent with the Hernando County Comprehensive Plan and incompatible with surrounding structures while regulations are being developed to provide for permissible local regulation of such construction.

SECTION 2- DEFINITION.

For purposes of this ordinance, "manufactured building" shall be defined to mean those buildings described in section 553.36(11), Florida Statutes, when such structures bear a seal issued by the Florida Department of Community Affairs certifying that building in compliance with the Florida Manufactured Building Act of 1979.

SECTION 3- WAIVER OF NOTICE REQUIREMENTS.

The Board of County Commissioners hereby waives the notice requirements by a unanimous vote of the members of the Board and hereby declares that a present emergency exists and that an immediate enactment of this ordinance is necessary to protect the health, safety and welfare of the residents and citizens of this county.

SECTION 3- REPEAL OF ORDINANCE NO. 99-6.

Ordinance No. 99-6 is hereby repealed.

SECTION 4- MORATORIUM.

There is hereby imposed a moratorium on the issuance of any permits by Hernando County for the construction, placement or installation of manufactured buildings for a period of ninety (90) days from the effective date of this ordinance, or such lesser time as may be required to develop, adopt and implement permissible local regulation of manufactured housing.

SECTION 5- VARIANCE.

For good cause shown, the Board of County Commissioners may grant variances from the moratorium herein imposed only when the applicant can demonstrate that the variance is consistent with the Hernando County Comprehensive Plan, any applicable land use regulations, the intent of this ordinance; and that the construction or installation if authorized by variance will be compatible with construction in the surrounding neighborhood.

SECTION 6- SEVERABILITY.

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

SECTION 7- INCLUSION IN THE CODE.

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

SECTION 8- EFFECTIVE DATE.

This Ordinance shall become effective when a copy has been accepted by the United States Postal Service for special delivery certified mail to the Florida Department of State.

**ADOPTED AS AN EMERGENCY ORDINANCE BY UNANIMOUS VOTE OF
ALL FIVE MEMBERS OF THE HERNANDO COUNTY BOARD OF COUNTY
COMMISSIONERS in Regular Session this 25th day of May, 1999,**

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

Attest: Michelle Hentsman
KAREN NICOLAI Deputy
Clerk Clerk

By: Pat Novy
PAT NOVY
Chairman

