

Marguerite Linke

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Tuesday, July 19, 2016 4:12 PM
To: Marguerite Linke
Cc: County Ordinances
Attachments: Hernando20160719_Ordinance2016_12_Ack.pdf

The Department of State is committed to excellence.
Please take our [Customer Satisfaction Survey](#).



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 19, 2016

Honorable Don Barbee Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 3621
Brooksville, Florida 34601

Attention: Marguerite Linke, Administrative Services

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2016-12, which was filed in this office on July 19, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 2016 - 12

AN ORDINANCE AMENDING APPENDIX A (ZONING), ARTICLE II (GENERAL REGULATIONS), SECTION 1 (APPLICATION OF REGULATIONS AND CLASSIFICATION OF STRUCTURES AND USES); AND APPENDIX A (ZONING), ARTICLE IV (ZONING DISTRICT REGULATIONS), SECTION 3 (COMMERCIAL DISTRICTS); AND APPENDIX A (ZONING), ARTICLE VIII (PLANNED DEVELOPMENT PROJECT), SECTION 6 (SPECIAL REGULATIONS) OF THE HERNANDO COUNTY CODE OF ORDINANCES; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (County) has adopted the Hernando County Comprehensive Plan within which are included goals, objectives, and policies related to the process for review and approval of certain development applications; and

WHEREAS, Chapter 163, Part II, Florida Statutes, requires the implementation of these goals, objectives, and policies through the adoption of consistent land development regulations; and

WHEREAS, the County desires to update and modernize its land development and subdivision regulations to provide standards for outdoor storage; and

WHEREAS, this proposed substantive amendment to the Hernando County Code of Ordinances has received public hearings before the Planning and Zoning Commission, Local Planning Agency, and the Board of County Commissioners as required by state and local law; and

WHEREAS, the Board of County Commissioners, for itself and acting as the Local Planning Agency, finds and determines that the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.

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

SECTION I. Hernando County Code of Ordinances, Appendix A (Zoning), Article II (General Regulations), Section 1 (Application of regulations and classification of structures and uses.) is amended to amend subsection B (land use classifications) as more precisely delineated with underlined text below:

14. Building Material Establishment
 - a. Lumber
 - b. Building Materials
 - c. Hardware
 - d. Paint and glass
 - e. Electrical supplies

- 1 f. Roofing materials
- 2 g. Miscellaneous farm and garden supplies
- 3 h. Tools, equipment and machinery

4
5 **SECTION II.** Hernando County Code of Ordinances, Appendix A (Zoning), Article IV (Zoning
6 District Regulations), Section 3 (Commercial districts) is amended to amend subsection B (Permitted
7 accessory or temporary uses and structures in all commercial districts) as more precisely delineated
8 with underlined text below:

- 9
10 (6) In all commercial districts the display of merchandise and products for retail sale is
11 allowed provided the display occurs on the sidewalk adjacent to a customer entrance
12 to the principle structure.

13
14 **SECTION III.** Hernando County Code of Ordinances, Appendix A (Zoning), Article IV (Zoning
15 District Regulations), Section 3 (Commercial districts) is amended to amend subsection C(2) (Special
16 exception uses in a C-2 Highway Commercial District) as more precisely delineated with underlined
17 text below:

18
19 **[Subsections 2(a) through 2(e)(iv) remain unchanged]**

- 20 (2) Special exception uses in a C-2 Highway Commercial District shall be as follows:
21 (f) Outdoor storage

22
23 **SECTION IV.** Hernando County Code of Ordinances, Appendix A (Zoning), Article VIII (Planned
24 Development Project), Section 6 (Special regulations.) is amended to add Subsection C. as more
25 precisely delineated with underlined text below:

- 26
27 C. In the PDP (Corporate Park) District outdoor storage may be approved if specifically
28 designated or specified in the narrative or on the master plan, or as a Special Exception
29 use provided the outdoor storage is confined to a portion of the property which shall
30 be screened by an opaque fence, wall of opaque landscaping at a height that will
31 effectively screen the storage from adjoining streets and properties. No outside storage
32 is allowed within the minimum building setback from an adjoining street.

33
34 **SECTION V. APPLICABILITY.** This Ordinance shall be applicable throughout the
35 unincorporated area of Hernando County.

36
37 **SECTION VI. SEVERABILITY.** It is declared to be the intent of the Board of County
38 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance
39 is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of
40 the remaining portions of this ordinance.

41
42 **SECTION VII. CONFLICTING PROVISIONS.** Special acts of the Florida Legislature applicable
43 only to unincorporated areas of Hernando County, Hernando County ordinances, County resolutions,
44 or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent
45 of such conflict except for ordinances concerning either adoption or amendment of the
46 Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.

1
2 **SECTION VIII. FILING WITH THE DEPARTMENT OF STATE.** The clerk shall be and is
3 hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative
4 Code, Department of State, R.A. Gray Bldg., Room 101, 500 S. Bronough Street, Tallahassee, FL
5 32399-0250.

6
7 **SECTION IX. INCLUSION IN CODE.** It is the intention of the Board of County Commissioners
8 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
9 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, any
10 section or subsection of this Ordinance may be renumbered or re-lettered to accomplish such
11 intention, and the word "ordinance" may be changed to "section, "article," or other appropriate
12 designation. Whereas Clauses, and Sections II through Section VII need not be codified.

13
14 **SECTION X. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing with
15 the Department of State.

16
17 **DULY PASSED AND ADOPTED IN REGULAR SESSION THIS** 12th **DAY OF**
18 July, 2016.

19
20 BOARD OF COUNTY COMMISSIONERS
21 HERNANDO COUNTY, FLORIDA

22
23
24
25
26 Attest: Monique L. Smith, Deputy Clerk By: James E. Adkins
27 **DONALD C. BARBER, JR., CLERK** **JAMES E. ADKINS, CHAIRMAN**



28
29
30 (SEAL)
31
32 **Approved as to Form and**
33 **Legal Sufficiency**

34
35 By: John DiMarco
36