

From: [Bryant, Linda C.](#)
To: [Ordinances](#)
Cc: [County Ordinances](#)
Subject: [EXT.] -
Date: Wednesday, August 26, 2020 11:12:53 AM
Attachments: [Hernando20200826_Ordinance2020_7_Ack.pdf](#)



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

August 26, 2020

Honorable Doug Chorvat, Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 362
Brooksville, Florida 34601

Attention: Ms. Darlene Christensen, Deputy Clerk

Dear Mr. Chorvat:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2020-7, which was filed in this office on August 26, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO.: 2020 - 7

DRAFT DOCUMENT: NOTE: additions/deletions = language proposed for addition/deletion to existing Code provisions

1 **AN ORDINANCE AMENDING APPENDIX A (ZONING), ARTICLE I,**
2 **SECTION 3 (DEFINITIONS), ARTICLE V (ADMINISTRATION), SECTION 4**
3 **(CONDITIONAL USE PERMIT) OF THE HERNANDO COUNTY CODE OF**
4 **ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR**
5 **CONFLICTING PROVISIONS; PROVIDING FOR FILING WITH THE**
6 **DEPARTMENT OF STATE; PROVIDING FOR INCLUSION IN THE CODE**
7 **AND PROVIDING FOR AN EFFECTIVE DATE.**

8
9 **WHEREAS,** the Board of County Commissioners (County) has adopted the Hernando County
10 Comprehensive Plan within which are included goals, objectives, and strategies related to the
11 process for review and approval of certain development applications; and

12
13 **WHEREAS,** Chapter 163, Part II, Florida Statutes, requires the implementation of these goals,
14 objectives, and strategies through the adoption of consistent land development regulations; and

15
16 **WHEREAS,** the State has pre-empted the licensing and permitting of mobile food vendors; and

17
18 **WHEREAS,** this proposed substantive amendment to the Hernando County Code of Ordinances
19 (Appendix A, Zoning, Article I, Section 3, Definitions, Article V, Administration, Section 4,
20 Conditional Use Permit), has received public hearings before the Planning and Zoning
21 Commission, Local Planning Agency, and the Board of County Commissioners as required by
22 state and local law; and

23
24 **WHEREAS,** the Board of County Commissioners, for itself and acting as the Local Planning
25 Agency, finds and determines that the proposed amendment is consistent with the goals,
26 objectives, and strategies of the Comprehensive Plan.

27
28 **NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY**
29 **COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:**

30
31 **SECTION I.** Hernando County Code of Ordinances, Appendix A (Zoning), Article I (Preamble;
32 Short Titles; Purpose; Definitions), Section 3 (Definitions), is hereby amended to provide for the
33 following definition precisely delineated with underlined text below:

34
35 Section 3. – Definitions.

36 *Mobile Food Dispensing Vehicle:* Means any vehicle that is a public food service establishment
37 licensed by the state and that is self-propelled or otherwise movable from place to place and
38 includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid
39 waste disposal.

40
41 **SECTION II.** Hernando County Code of Ordinances, Appendix A (Zoning), Article V
42 (Administration), Section 4 (Conditional use permit), is hereby amended to provide for revisions
43 as more precisely delineated with strike-through and underlined text below:
44

1 C. *Conditional use permits allowable with administrative official approval:*

2 (1) Special events (fairs, festivals, arts and craft shows, concerts, and similar outdoor
3 events) may be approved by the administrative official in any zoning category for
4 a period not to exceed forty-five (45) days for the purpose of promotions,
5 entertainment, educational, religious, or similar events. The sale of alcoholic
6 beverages in association with these types of events must provide the administrative
7 official with a copy of the necessary permits from the state. Such sales are exempt
8 from the minimum separation distance for the sale of alcoholic beverages from a
9 church or school. Such permit request is also subject to the following:

- 10 (a) Adequate off-street parking, restroom, and emergency access shall be
11 provided as required.
- 12 (b) Provisions for any required traffic control must be demonstrated, and
13 provided.
- 14 (c) The applicant shall submit a detailed site plan showing the location of all
15 temporary structures, vendors, tents, the number and location of off-street
16 parking spaces, a traffic circulation plan showing all ingress/egress
17 locations, and the location of any structures existing on site. Such plan shall
18 be examined by the administrative official and other applicable
19 departments and agencies to determine compliance with all applicable
20 codes, ordinances, or regulations. No clearance for a building permit shall
21 be issued until such plan complies with these provisions and a conditional
22 use permit has been issued.

23 (2) A temporary retail vendor may be approved by the administrative official in any
24 agricultural, commercial or industrial zoning category subject to the following:

- 25 (a) Seasonal sales (Christmas trees, flowers, pumpkin sales, or similar seasonal
26 uses) for up to forty-five (45) calendar days.
- 27 (b) The sale of fireworks is governed by Chapter 18, Article IV of the
28 Hernando County Code of Ordinances.
- 29 (c) The regulation of mobile food dispensing vehicles involving licenses,
30 registrations, permits, and fees is preempted to the state. Mobile food
31 dispensing vehicles may operate within the entirety of the unincorporated
32 area of Hernando County so long as such mobile food dispensing vehicle is
33 properly licensed by the state. A food truck, van, pushcart or similar vehicle
34 used for the sale of food or agricultural produce may be approved for a
35 period of up to one (1) year and a maximum of one (1) vendor per parcel.
- 36 (d) ~~A food truck, van, pushcart or similar vehicle used for the~~ The sale of food
37 ~~or agricultural produce may be approved for a period of up to one (1) year~~
38 ~~and a maximum of one (1) vendor per parcel subject to the following~~
39 ~~additional requirements:~~
- 40 1. Shall not be located in the public right of way;
 - 41 2. Shall not be located on public property without an approved special
42 event permit or concession license agreement from the County;
 - 43 3. ~~Shall not be located on vacant property;~~

- 1 4-3. Shall provide the written permission of the property owner in a
- 2 format prescribed by the County;
- 3 ~~5-4.~~ Each site must be separately permitted;
- 4 6 5. The vendor shall prominently display all required state ~~and local~~
- 5 licenses/permits.

6 (e) Outdoor retail sales events may be approved three (3) times per calendar

7 year, for up to fourteen (14) days each time, provided the temporary sales

8 or display of retail items only occurs on the same site as a business in a

9 permitted permanent structure, and the items sold on site are by the

10 business in the permitted permanent structure.

11 (f) All requests for a temporary retail vendor permit must demonstrate safe and

12 adequate access and parking; and shall also comply with the pertinent

13 permit requirements from applicable departments and agencies that have

14 jurisdiction over or review of such requests.

15

16 **SECTION III. APPLICABILITY.** This Ordinance shall be applicable throughout the

17 unincorporated area of Hernando County.

18

19 **SECTION IV. SEVERABILITY.** It is declared to be the intent of the Board of County

20 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this

21 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect

22 the validity of the remaining portions of this ordinance.

23

24 **SECTION V. CONFLICTING PROVISIONS.** Special acts of the Florida Legislature

25 applicable only to unincorporated areas of Hernando County, Hernando County ordinances,

26 County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this

27 ordinance to the extent of such conflict except for ordinances concerning either adoption or

28 amendment of the Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.

29

30 **SECTION VI. FILING WITH THE DEPARTMENT OF STATE.** The clerk shall be and is

31 hereby directed forthwith to send a certified copy of this ordinance or electronically transmit the

32 ordinance by email to the Bureau of Administrative Code, Department of State, R.A. Gray Bldg.,

33 Room 101, 500 S. Bronough Street, Tallahassee, FL 32399-0250.

34

35 **SECTION VII. INCLUSION IN CODE.** It is the intention of the Board of County

36 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of

37 this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,

38 Florida. To this end, any section or subsection of this Ordinance may be renumbered or re-

39 lettered to accomplish such intention, and the word "ordinance" may be changed to "section,

40 "article," or other appropriate designation. Whereas Clauses, and Sections II through Section VII

41 need not be codified.

42

43 **SECTION VIII. EFFECTIVE DATE.** This ordinance shall take effect immediately upon

44 filing with the Department of State.

1
2 **DULY PASSED AND ADOPTED IN REGULAR SESSION THIS** 25th **DAY OF**
3 August, 2020.
4

5 BOARD OF COUNTY COMMISSIONERS
6 HERNANDO COUNTY, FLORIDA
7

8
9
10 Attest: Carlene M. Christensen, D.C.
11 for DOUGLAS A. CHORVAT, JR.
12 CLERK OF CIRCUIT COURT AND
13 COMPTROLLER
14

By: [Signature]
JOHN MITTEN
CHAIRMAN



15 (SEAL)

16
17 **Approved as to Form and**
18 **Legal Sufficiency**

19
20 By: [Signature]
21 Kyle Benda, Assistant County Attorney