

Wakulla County

Ordinance Number 08-28

**AN ORDINANCE OF WAKULLA COUNTY, FLORIDA, AMENDING SECTION 5-7, WAKULLA COUNTY CODE, WHICH ADDRESSES CERTAIN TEMPORARY USES AND THE PROCESS FOR PERMITTING OF CERTAIN TEMPORARY USES WITHIN THE COUNTY, ESTABLISHING THE PROCEDURES FOR ISSUANCE OF CERTAIN TEMPORARY USE PERMITS BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT, AND PROVIDING FOR THE REVIEW AND APPROVAL OF CERTAIN TEMPORARY USE PERMITS BY THE BOARD OF COUNTY COMMISSIONERS, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, certain uses of real property are temporary in nature, and vary in type and degree, as well as length of time involved; and

**WHEREAS**, such temporary uses of real property may have little impact on surrounding and nearby properties; and

**WHEREAS**, other temporary uses of real property may present questions about the potential incompatibility of the temporary use with existing uses on surrounding and nearby properties; and

**WHEREAS**, the purpose of this ordinance is to revise the existing procedure for reviewing and approving certain temporary uses of real property by the Planning and Community Development Department and Board of County Commissioners.

**NOW THEREFORE**, be it ordained by the Board of County Commissioners of Wakulla County, Florida, as follows:

1. Section 5-7, Wakulla County Code, is hereby repealed and replaced as follows:
2. Certain uses are temporary in nature. These temporary uses vary in type and degree, as well as length of time involved. Such temporary uses may have little impact on surrounding and nearby properties, or they may present questions about the potential incompatibility of the temporary use with existing uses on surrounding and nearby properties. Unless otherwise specified in these zoning regulations and the Wakulla County Code, the following regulations shall govern temporary uses.
3. Temporary use permits issued by the Board of County Commissioners. The Board of County Commissioners may issue a temporary use permit for the following uses:

- (a) *In any Residential zoning district, which allows mobile homes:* In addition to the principal residential dwelling, one (1) additional mobile home for use as a residence, provided that such mobile home is occupied by persons related by consanguinity, adoption, or marriage to the family occupying the principal residential use and can provide proof of a medical or financial hardship. This temporary use is referred to as a Family Enclave for purposes of this Section. Such mobile home is exempt from lot area requirements, and shall be located within required setbacks. Such mobile home shall not be located within twenty (20) feet of any building. A temporary use permit for such mobile home may be granted for a time period of up to one (1) year.

The property owner(s) and resident(s) of the second dwelling must enter into a Family Enclave Agreement with the Board of County Commissioners. This temporary use permit will only be issued after septic tank testing is complete and in compliance with any and all health department requirements. The Board of County Commissioners must review and approve the initial Family Enclave Agreement prior to issuance of a Development Permit Application (DPA) and Building Permit by the Department of Planning and Community Development. At the end of the one (1) year term, the applicant must submit a new application to the Planning and Community Development Department, along with the appropriate documentation to extend the agreement for one (1) additional, one (1) year term. When the temporary use permit expires, the applicant may reapply for a new temporary use permit and must submit appropriate documentation of the continued hardship. Any reapplication must be reviewed by the Board of County Commissioners. If the hardship ceases to exist, the second dwelling unit must be removed by the property owner immediately.

- (b) *In Agricultural, Commercial, Industrial zoning districts:* Commercial circuses, carnivals, outdoor concerts, and similar uses must submit an application for temporary use permit to the Planning and Community Development Department, together with such fees as set through resolution by the Board of County Commissioners.
- (c) *In any zoning district:* Any temporary use permit which exceeds 25% of the gross area of the Subject Property in which the use will take place, is requested to take place in excess of thirty (30) consecutive or non-consecutive days per calendar year, or otherwise meets the requirements of this Section and the Code may be approved by the Board of County Commissioners.
- (d) Temporary Use on commercially zoned parcels are limited to 80 days total per calendar year.

4. Temporary Use Permits Issued by the Planning and Community Development Director. Certain uses are of short duration and do not create excessive incompatibility during the course of the use. The Planning and Community Development Director is authorized to issue temporary use permits for the following activities, after a showing that any nuisance or hazardous features involved is suitably separated from adjacent uses; excessive vehicular traffic will not be generated on residential streets; and a vehicular

parking problem will not be created. The Planning and Community Development Director has the authority to attach conditions of approval, as provided for in this Section, and any other conditions that the Planning and Community Development Director deems necessary:

(a) *In any zoning district:*

- i. Special events operated by nonprofit, charitable organizations.
- ii. Christmas tree sales lots operated by nonprofit, charitable organizations.
- iii. Other uses which are similar to (i) and (ii) above and which are of a temporary nature and the period of use will not extend beyond thirty (30) days.
- iv. Mobile homes or travel trailers used for temporary purposes by any agency of municipal, county, state, or federal government; provided such uses shall not be or include a residential use.
- v. Mobile homes or travel trailers used as a residence, temporary office, security shelter, or shelter for materials of goods incident to construction on or development of the premises upon which the mobile home or trailer is located. Such use shall be strictly limited to the time construction or development is actively underway. In no event shall the use continue more than twelve (12) months without the further approval of the Planning and Community Development Director. The Planning and Community Development Director shall give such approval only upon finding that actual construction is continuing.

(b) *In Agricultural, Commercial, and Industrial districts:* Temporary religious or revival activities in tents.

(c) *In any residential zoning district:* Temporary residency for up twelve (12) months in a travel trailer, if the primary residence is destroyed by fire, flood or other natural disaster. The property owner must file an application for temporary use with the Planning and Community Development Director for review and approval. During the twelve (12) month period, the property owner must apply for permits to replace the primary residence and commence construction. Should the temporary residency require a time extension beyond the initial twelve (12) month period, in a hardship situation the property owner must make an application for temporary use to be reviewed at public hearing, in front of the Board of County Commissioners for approval.

(d) *In any Commercial or Industrial zoning districts:* Temporary tents and the sale of merchandise and/or goods for consumption. Examples include: firework sales, arts and crafts sales, mobile food vending, roadside fruit stands and other similar activities. Such services must comply with the respective uses set forth in the designated zoning district of the Subject Property. For approval, the temporary use must not exceed the provisions of subsection (e), below and any additional requirements of this Section.

- (e) The Planning and Community Development Director is hereby granted the authority to approve, approve with conditions, or deny any application for temporary use, which complies with all applicable provisions in this subsection and the Code:
  - i. Temporary uses that do not exceed 25% of the gross area of the Subject Property in which the use will take place,
  - ii. Temporary uses that do not exceed thirty (30) consecutive days or non-consecutive days within one (1) calendar year,
  - iii. The Planning and Community Development Director may extend a previously issued temporary use permit for a period not to exceed an additional ten (10) consecutive or non-consecutive days, upon the receipt of a new application and any applicable fees. This extension may only occur if it is determined that the temporary use has not adversely impacted the nearby and surrounding properties or otherwise caused an incompatibility with existing uses.
  - iv. Temporary Uses on commercially zoned parcels are limited to 80 days total per calendar year.
- 5. Requirements for the Temporary Use Permit Application.
  - (a) Complete and submit an application for temporary use to the Department of Planning and Community Development.
  - (b) Appropriate fee set by a resolution of the Board of County Commissioners.
  - (c) Current Warranty Deed and legal description for the Subject Property.
  - (d) Letter of Authorization by property owner, if applicable.
  - (e) A site plan pursuant to Section 5-10 of this Code.
  - (f) Any other items the Planning and Community Development Director deems necessary.
- 6. Review Process for a Temporary Use Permit Application.
  - (a) The applicant must submit an application for temporary use permit to the Department of Planning and Community Development.
  - (b) Upon receipt of application, the Planning and Community Development Director must place the item on the next scheduled Technical Review Committee Meeting.
  - (c) During the Technical Review Committee Meeting, the Director shall determine whether the temporary use permit application should be reviewed by the Board of County Commissioners, or whether the temporary use permit application can be approved pursuant to Subsection 4, above.
  - (d) For applications going before the Board of County Commissioners, the Planning and Community Development Department shall forward the temporary use permit application to the Planning Commission for review and shall erect a sign advertising the request on a prominent position on the subject property. The Planning Commission shall review the temporary use permit application at a public hearing that has been advertised in accordance with the due public notice laws outlined in the Code. All matters relating to the Planning Commission's consideration of the temporary use permit application shall be public record. At the public hearing, the applicant may appear in person or by agent or attorney. The Planning Commission shall make a recommendation to the Board of County Commissioners on the approval, approval with conditions or denial of the temporary use permit application

and this recommendation shall be advisory only and not binding upon the Board of County Commissioners. Within a reasonable time after receiving the Planning Commission's recommendation on the temporary use permit application, the Board of County Commissioners shall hold a public hearing to consider the request. The Board of County Commissioners shall fix a reasonable time for the hearing, give public notice thereof, as well as due notice to the parties involved. At the hearing, an applicant may appear in person or by agent or attorney.

- (e) Any temporary use requests extending beyond the time frames set forth in this Section, must be placed on the agenda for the next scheduled Board of County Commissioners hearing, following the requirements of due public notice set forth by this Code.
- (f) Prior to granting a temporary use permit, the Board of County Commissioners or Planning and Community Development Department shall ensure that:
  - i. Any nuisance or hazardous feature involved in the temporary use is suitably separate from adjacent uses;
  - ii. Excessive vehicular traffic will not be generated, particularly along residential streets; and
  - iii. A vehicular parking problem will not be created.
- (g) The temporary use permit, if granted, shall be granted for a specific time period, at the end of which, if the permitted temporary use has not be discontinued, it shall be deemed a violation of these zoning regulations and shall be subject to enforcement action of the Code, including, but not limited to, Code Enforcement action.
- (h) Any appeals of determinations made under this Section shall be pursuant to Chapter 3 of the Wakulla County Code.

7. This ordinance shall become effective as provided by Florida Law.

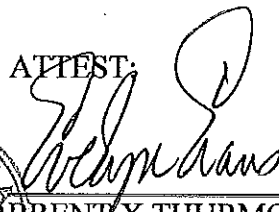
**PASSED AND ADOPTED** by the Board of County Commissioners of Wakulla County, Florida, this 17 day of NOVEMBER 2008.

**BOARD OF COUNTY COMMISSIONERS  
OF WAKULLA COUNTY, FLORIDA**

BY:

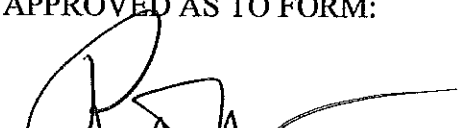
ATTEST:

  
EDWARD E. BRIMNER,  
CHAIRMAN

  
BRENT X. THURMOND, Ex Officio  
Clerk to the Board



APPROVED AS TO FORM:

  
RONALD A. MOWREY, Esquire  
Attorney for the Board