

ORDINANCE NO.: 804-02

Rcpt: 595622 Rec: 10.50
DS: 0.00 IT: 0.00
06/12/02 Dpty Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, A MUNICIPAL CORPORATION, AMENDING CHAPTER 6 LAND USE REGULATIONS (ZONING)-SECTION 6405 (GARAGE SALES) OF THE LAND DEVELOPMENT CODE OF THE CITY OF ZEPHYRHILLS, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of Zephyrhills, Florida, sitting in regular meeting that:

Section 1: That Chapter Six, (Land Use Regulations)-Section 6405 (Garage Sales)-First Paragraph only of the Zephyrhills Land Development Code is deleted and shall henceforth read as follows:

CHAPTER SIX-Land Use Regulations-
SECTION 6405-Garage Sales

JED PITTMAN, PASCO COUNTY CLERK
06/12/02 10:59 am 1 of 2
OR BK 4975 PG 776

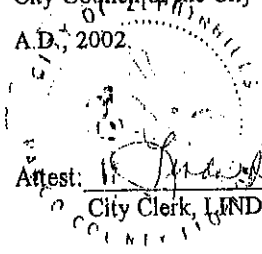
The following regulations shall include all general sales open to the public from or on residential premises or any residentially zoned site for the purpose of disposing of personal property, including but not limited to: all sales entitled garage, lawn, attic, yard, porch, room, backyard, patio, or rummage sales. This section shall not include a situation where no more than two specific items as held out for sale and advertisement of such sale specifically names those items to be sold. For purposes of this section personal property shall mean property which is owned, utilized and maintained by an individual or members of his or her household and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

Section 2: The remaining provisions of Section 6405 sale remain in full force in effect.

Section 3: The provisions of this Ordinance are severable, and if any section, sentence, clause, or phrase is for any reason held to be unconstitutional, invalid, or ineffective, this holding shall not affect the validity of the remaining portions of the Ordinance, it being expressly declared to be the City Council's intent that it would have passed the valid portions of this Ordinance without the inclusion of any invalid portion or portions.

Section 4: This Ordinance shall become effective immediately upon its passage.

The foregoing Ordinance No. 804-02 was read and passed on its first reading by the City Council of the City of Zephyrhills, Florida, on this 15th day of May, A.D., 2002.



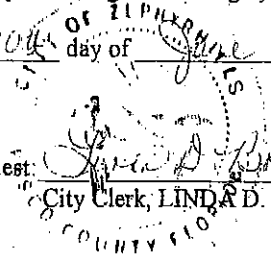
Attest: Linda D. Boan
City Clerk, LINDA D. BOAN

Clyde C. Bracknell
CLYDE C. BRACKNELL
President of City Council

The foregoing Ordinance No. 704-02 was read and passed on its second reading in open and regular meeting by the City Council of the City of Zephyrhills, Florida, on this

10th day of June, A.D., 2002

Attest: Linda D. Boan
City Clerk, LINDA D. BOAN



Clyde C. Bracknell
CLYDE C. BRACKNELL
President of City Council

ORDINANCE NO. 704-02

The foregoing Ordinance No. 704-02 was approved by me this 10th day of June, A.D., 2002.

Cliff McDuffie
Mayor-W. CLIFF McDUFFIE

and a wind load which does not constitute a danger to a structure upon which it is to be attached.

§ 7.09.12 FLEA MARKETS AND OUTDOOR AMUSEMENTS.

(A) No buildings used for open sales or amusement purposes shall be located nearer than 150 feet from any residential district.

(B) All vehicles, trailers, structures, mobile homes, vehicles, tents, mechanical devices or animal enclosures associated with such use shall be set back not less than 50 feet from any property line.

(C) The minimum lot frontage shall be 300 feet.

(D) Sounds emanating from the use shall not adversely affect surrounding residential property.

(E) Residential accommodations shall be limited to temporary quarters.

(F) Sufficient lighting is required to illuminate the use and parking areas.

(G) Outdoor sales are permitted.

§ 7.09.13 FUNERAL HOMES AND MORTUARIES.

(A) All such uses shall be located on and have access to an arterial or collector road.

(B) 20% of subject parcel shall be landscaped.

(C) Site plan approval required.

§ 7.09.14 GARAGE SALES.

(A) *Generally.* The following regulations shall include all general sales open to the public from or on residential premises or any residentially zoned site for the purpose of disposing of personal property,

including, but not limited to: all sales entitled garage, lawn, attic, yard, porch, room, backyard, patio or rummage sales. This section shall not include a situation where no more than ~~two~~^{two} specific items are held out for sale and advertisement of the sale specifically names those items to be sold. For purposes of this section, personal property shall mean property which is owned, utilized and maintained by an individual or members of his or her household and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

(B) *Exemptions.* The provisions of this section shall not apply to or affect the following:

(1) Persons selling good pursuant to an order or process of a court of competent jurisdiction;

(2) Persons acting in accordance with their powers and duties as public officials;

(3) Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein the sale would be permitted under the protection of the nonconforming use section thereof or any other sale conducted by a manufacturer, dealer or vendor which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances; and/or

(4) Any bona fide charitable, educational, cultural or governmental institution or organization, when the proceeds from the sale are used directly for charitable purposes of the institution or organization and the goods or articles are not sold on a consignment basis.

(C) *Permit required.* No garage sale shall be conducted unless and until the individuals designated to conduct the sale shall obtain a permit from the Building Department. Members of more than one residence may join in obtaining a permit for a garage sale to be conducted at the residence of one of them. This permit shall be posted to be visible from the street.

(D) *Parking of vehicles.* All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the Police Department may enforce such temporary controls as required to alleviate any special hazards and/or congestion created by any garage sale.

(E) *Posting of signs.* Only the following specified signs may be displayed in relation to a pending garage sale:

(1) Two signs of not more than four square feet shall be permitted to be displayed on the property of the residence where the garage sale is being conducted;

(2) Signs must be removed at the close of the garage sale activity; and

(3) No sign will be affixed to utility poles, trees or posts within the city rights-of-way or placed on public property.

(F) *Duration of sales.* Garage sales lasting more than one day shall be held on consecutive days and not sale shall exceed three days.

(G) *Garage sales limited to daylight hours.* All garage sales shall be limited to the daylight hours.

(H) *Number of sales allowed per year.* All garage sales shall be restricted to not more than three per address during any one calendar year

§ 7.09.15 HOME OCCUPATIONS.

A home occupation shall be allowed in a bona fide dwelling unit, subject to the following requirements:

(A) No persons other than members of the family residing on the premises shall be engaged in the occupation;

(B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate

to its use for residential purposes by its occupants and shall under no circumstances change the residential character of the structure;

(C) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of the home occupation, other than one sign not exceeding two square foot in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than two feet from the main entrance of the residence;

(D) No home occupation shall occupy more than 25% of the floor area of the dwelling unit. No accessory building shall be used for a home occupation;

(E) No traffic shall be generated by the occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of the home occupation shall be met off the street and other than in a front yard required pursuant to this code;

(F) No equipment, tools or process shall be used in such a home occupation which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone or television receivers off the premises or causes fluctuations in line voltage off the premises;

(G) Fabrication of articles commonly classified under the terms arts and handicrafts may be deemed a home occupation, subject to the other terms and conditions of this definition and providing no retail sales are made at the home;

(H) Outdoor storage of materials shall not be permitted;

(I) The following shall not be considered home occupations: beauty shops, barber shops, band instrument or dance instructors, swimming instructor, studio for group instruction, public dining facility or