

ORDINANCE NO.: 2008-17

AN ORDINANCE AMENDING APPENDIX A (ZONING), ARTICLE VIII (PLANNED-DEVELOPMENT PROJECT) OF THE HERNANDO COUNTY CODE OF ORDINANCES, BY AMENDING SECTION 6 (SPECIAL REGULATIONS); PROVIDING FOR ADDITIONAL AND/OR ENHANCED STANDARDS FOR COMMERCIAL DEVELOPMENT GREATER THAN 65,000 SQUARE FEET OF GROSS FLOOR AREA; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the County desires to update and modernize its land development regulations as provided for herein.

NOW THEREFORE:

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

SECTION I. AMENDING APPENDIX A (ZONING), ARTICLE VIII (PLANNED-DEVELOPMENT PROJECT), SECTION 6 (SPECIAL REGULATIONS). Appendix A (Zoning), Article VIII (Planned-Development Projects), Section 6 (Special regulations) is amended to read as follows, with underlined matter added and struck-through matter deleted:

Section 6. Special regulations.

A. Residential Protection Standards in all commercial or industrial PDPs shall be subject to the following unless modified by section 6. B. herein,

- (1) There shall be no speakers or other sound equipment located within 100 feet of any single family residential district property line.
- (2) There shall be no buildings containing alcoholic beverage dispensation establishments, convenience stores, or automotive and truck repair establishments located within 100 feet of any single family residential district property line.
- (3) No commercial activities which include customer entrances, drive-up windows, ordering boxes, or loading/unloading areas shall be allowed to operate between the hours of 12 midnight and 7:00 a.m. within 100 feet of any single family residential district property line.
- (4) No building within 100 feet of any single family residential district property line shall be more than 20 feet in height.

1 (5) All loading bays and loading docks must be a minimum of 100' from any single
2 family residential district property line. Additionally, all loading bays and loading
3 docks must be screened from view from the public right-of-way or single family
4 residential district property line. Screening may include landscape plantings, berms,
5 fences or walls.
6

7 (6) Air conditioning and/or other operational equipment must be oriented away from
8 single family residentially zoned property, or screened to minimize noise impacts and
9 reduce visual incompatibility to the single family residentially zoned property.
10 Screening may include landscape plantings, berms, fences or walls.
11

12 B. Commercial development with any single building, or single site development with
13 multiple buildings with the same use and owned and managed by the same entity, greater than
14 65,000 square feet of gross floor area is only allowable through approval of as a Planned
15 Development Project and which otherwise satisfies these requirements and this article. This type
16 of development ~~is generally may be compatible with the land uses permitted in the in a given~~
17 commercial zoning district but because of the its size, intensity, increased traffic-generation,
18 extended hours of operation, or proximity to residential areas/districts or public schools may require
19 additional conditions to ensure appropriateness at a particular as a prerequisite for approval at a
20 requested location. The following shall be addressed by the BCC: The applicant shall have the
21 burden of adequately demonstrating compliance with all of the minimum standards set forth below
22 and otherwise contained within this article. The governing body, in their sole discretion and
23 following public hearing and notice, shall be the final arbiter of determining whether compliance
24 with these minimum standards has been adequately demonstrated and whether to approve, approve
25 in part or deny a particular request hereunder.
26

27 (1) ~~Enhanced screening and/or location of air conditioning and/or other operational~~
28 equipment Mechanical/operational equipment including HVAC located at ground
29 level shall be set back at least one hundred (100) feet from any property line external
30 to the development site and shall be visually shielded through enhanced screening or
31 shall be located on the roof and shall be visually shielded with a parapet wall. All
32 mechanical/operational equipment shall be sound attenuated as necessary to comply
33 with the county's noise ordinance.
34

35 (2) ~~Limitations on h~~ Hours of operation shall be provided, and may be limited by the
36 governing body, as necessary, to ensure operational compatibility with surrounding
37 land uses. For facilities that propose to operate 24 hours a day, manned parking lot
38 security may be required by the county between the hours of 10 p.m and Sunrise.
39

40 (3) ~~Screening and/or location of~~ Where the proposed commercial development consists
41 of multiple buildings (excluding out parcels), then, loading areas and loading docks
42 should be situated between said buildings in a manner which allows the buildings to
43 act as screens. All loading areas/docks shall be set back at least one hundred (100)
44 feet from any property line external to the development site and shall be screened at
45 100% opacity through the use of landscape plantings, berms, fences or walls. The

1 County may require the use of absorptive noise barrier walls for commercial noise
2 reduction.

3
4 (4) ~~Enhanced lighting beyond minimum standards~~ Outdoor lighting shall meet the
5 following requirements:

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7 (a) All fixtures must be full-cutoff or shielded;

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9 (b) All lights must be pointed downward with the exception of low level accent
10 lighting not exceeding 40 watts;

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12 (c) No spillover of light is permitted beyond property boundaries;

13
14 (d) Fixtures with outputs of 2,000 lumens or more require manual turn-off
15 switches;

16
17 (e) At least fifty percent (50%) of all parking lot lighting must be turned off
18 within one hour after close of business or between 10 p.m. and Sunrise,
19 whichever occurs first;

20
21 (f) No pole height shall exceed twenty-five (25) feet; and

22
23 (g) The placement or use of searchlights shall be prohibited.

24
25 (5) All on site advertising signs, including out parcels, shall be designed as part of a
26 complete signage system, and shall be limited to ground mounted monument type
27 signs. Ground mounted monument type signs are signs where the bottom edge of the
28 sign is no greater than ten (10) feet above grade and which otherwise meets all sign
29 requirements in this code.

30
31 (6) The master plan shall meet the following increased setbacks and buffering
32 requirements:

33
34 (a) Set backs. Where any side or rear lot line adjoins (excluding roads) a
35 residential- or agricultural-zoned property or an existing residential use, then
36 no building shall be located within one hundred (100) feet of said lot line.

37
38 (b) Buffering. A thirty-five (35) foot wide buffer screened at 80% opacity at a
39 height of six (6) feet above finished grade shall run along each rear and/or
40 side property line which abuts any residential or agricultural zoned property.
41 This buffer shall be screened through the use of landscape planting and
42 landscape berms, and may be augmented through the use of fences or walls,
43 existing natural vegetation, and/or a combination thereof. The County may
44 require the use of absorptive noise barrier walls for commercial noise
45 reduction.

- 1 (7) The applicant shall demonstrate that the proposed use is appropriate to the property
2 in question, is compatible with existing and planned uses in the area, and demonstrate
3 compliance with the County Comprehensive Plan.
4
- 5 (8) Additional standards for commercial development with any single user occupying
6 and/or using greater than 65,000 square feet of gross floor area:
7
- 8 (a) The proposed site shall front on at least one road functionally classified on
9 the county's comprehensive plan as arterial or greater. Furthermore, at least
10 one (1) vehicle access point shall directly access and connect to said
11 functionally classified arterial (or greater) roadway.
12
- 13 (b) The master plan shall demonstrate at least two vehicular access points
14 providing adequate ingress and egress with appropriate turn lanes,
15 intersection improvements, signage and signalization (as may be required) to
16 accommodate the traffic impacts of the project. In addition, the County
17 Engineer may require a traffic study prepared according to professionally
18 accepted standards, utilizing original data from similar uses if required by the
19 County Engineer, in conjunction with the application addressing traffic
20 impacts from the project and making specific recommendations to maintain
21 adequate roadway capacities and adequate ingress and egress to and from the
22 site.
23
- 24 (c) Any commercial development meeting the terms of this subsection located
25 within 2,500 feet of any public school (as measured along the route of normal
26 pedestrian travel from property line to property line) shall prepare and submit
27 at the time of application a traffic and pedestrian safety plan for review and
28 approval by the county. The plan must identify safety conflicts and
29 deficiencies, and include recommended mitigation measures as necessary.
30 In addition to satisfying the requirements of this subsection, the plan must
31 demonstrate to the governing body that adequate provisions have been made
32 to maintain safe and adequate pedestrian and traffic circulation.
33
- 34 (d) The site design shall provide that pedestrian circulation is coordinated on-site
35 and between adjacent properties for the purpose of providing for pedestrian
36 circulation between complimentary uses.
37
- 38 (e) All internal walkways shall comply with Florida Accessibility Code design
39 standards. Additionally, all internal pedestrian walkways shall be
40 distinguished from driving surfaces through the use of durable, low
41 maintenance surface materials such as pavers, scored concrete or stamped
42 asphalt to the extent not inconsistent with said standards.
43

1 (f) Transit facilities, including but limited to bus stops, pull out lanes, transit
2 related signage, shelters and bicycle racks for transit users, shall be provided
3 as determined by the County to accommodate transit service.
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5 (9) Any applicant seeking a deviation from any requirement above shall, concurrently
6 with and as a part of its application, include a written request for such requested
7 deviation and explain in detail all circumstances which the applicant believes justifies
8 the requested deviation from the requirements herein.
9

10 **SECTION II. SEVERABILITY.** It is declared to be the intent of the Board of County Commissioners
11 that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any
12 reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the
13 remaining portions of this ordinance.
14

15 **SECTION III. INCLUSION IN THE CODE.** It is the intention of the Board of County Commissioners
16 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
17 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end,
18 any section or subsection of this Ordinance may be renumbered or relettered to accomplish such
19 intention, and the word "ordinance" may be changed to "section," "article," or other appropriate
20 designation.
21

22 **SECTION IV. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing with
23 the Department of State.
24

25 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO**
26 **COUNTY** in Regular Session this 22nd day of July, 2008.
27

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

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30
31 Attest: Karen Nicolai
32 KAREN NICOLAI

By: Christopher A. Kingsley
CHRISTOPHER A. KINGSLEY
CHAIRMAN



39 **Approved, as to Form and**
40 **Legal Sufficiency**

41
42 By: Geoffrey T. Kirk 7/15/08
43 Geoffrey T. Kirk
44 Assistant County Attorney