

Marguerite Linke

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Tuesday, April 21, 2015 10:27 AM
To: Marguerite Linke
Cc: County Ordinances
Attachments: Hernando20150421_Ordinance2015_05_Ack.pdf

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 21, 2015

Honorable Don Barbee Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 241
Brooksville, Florida 34601-2800

Attention: Marguerite Linke

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. 2015-05, which was filed in this office on April 21, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 2015 - 05

1
2
3 AN ORDINANCE AMENDING APPENDIX A (ZONING REGULATIONS),
4 ARTICLE III, SECTION 3 AND ARTICLE VIII, SECTION 6 OF THE
5 HERNANDO COUNTY CODE OF ORDINANCES PROVIDING FOR
6 REVISIONS TO THE COMMERCIAL LIGHTING STANDARDS; PROVIDING
7 FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR
8 CONFLICTING PROVISIONS; PROVIDING FOR FILING WITH THE
9 DEPARTMENT OF STATE; PROVIDING FOR INCLUSION IN THE CODE
10 AND PROVIDING FOR AN EFFECTIVE DATE.

11
12 WHEREAS, the Board of County Commissioners (County) has adopted the Hernando County
13 Comprehensive Plan within which are included goals, objectives, and policies related to the
14 process for review and approval of certain development applications; and

15
16 WHEREAS, Chapter 163, Part II, Florida Statutes, requires the implementation of these goals,
17 objectives, and policies through the adoption of consistent land development regulations; and

18
19 WHEREAS, the County desires to update and modernize its commercial lighting standards for
20 development; and

21
22 WHEREAS, this proposed substantive amendment to the Hernando County Code of Ordinances
23 (Appendix A, Zoning Regulations, Article III, SPECIFIC REGULATIONS, Section 3, Specific
24 use regulations; and Article VIII, PLANNED DEVELOPMENT PROJECT, Section 6, Special
25 regulations), has received public hearings before the Planning and Zoning Commission, Local
26 Planning Agency, and the Board of County Commissioners as required by state and local law;
27 and

28
29 WHEREAS, the Board of County Commissioners, for itself and acting as the Local Planning
30 Agency, finds and determines that the proposed amendment is consistent with the goals,
31 objectives, and policies of the Comprehensive Plan.

32
33 NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY
34 COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

35
36 SECTION I. Hernando County Code of Ordinances, Appendix A, Zoning Regulations, Article
37 III, SPECIFIC REGULATIONS, Section 3, Specific Use Regulations, Subsection J, Design
38 standards for large retail projects, Subsection 2, Additional development standards, is hereby
39 amended to provide for revisions as more precisely delineated with strike-through and underlined
40 text below:

41
42 J. *Design standards for large retail projects*

43
44 2. Additional development standards

45
46 K. *Lighting:*

1 (1) All outdoor light fixtures emitting ~~two thousand fifty (2,050) or more~~
2 ~~lumens shall be shielded as follows:~~ shall meet the specific use regulations
3 for commercial lighting under this Article

4 (a) ~~Within thirty (30) feet of the property boundary must be full-cutoff~~
5 ~~fixtures.~~

6 (b) ~~All other outdoor lighting fixtures must be semi-cutoff or full-cutoff~~
7 ~~fixtures.~~

8
9 **SECTION II.** Hernando County Code of Ordinances, Appendix A, Zoning Regulations, Article
10 III, SPECIFIC REGULATIONS, Section 3, Specific Use Regulations, Subsection K,
11 Commercial design standards, Subsection 7, Lighting fixtures, is hereby amended to provide for
12 revisions as more precisely delineated with strike-through and underlined text below:
13

14 K. *Commercial design standards*

15
16 7. *Lighting fixtures.*

17 A. *Intent.* ~~The intent of this section is to provide lighting that enhances the visual~~
18 ~~impact of the project on the community and to specifically address lighting~~
19 ~~intensity levels and glare accordingly. Commercial buildings and projects shall~~
20 ~~be designed to provide safe, convenient and efficient lighting for pedestrians~~
21 ~~and vehicles.~~

22 B. *Requirements—General.*

23 (1) All site lighting ~~Lighting~~, including pole heights and fixture types, shall be
24 ~~designed in a consistent and coordinated manner for the entire site. It shall~~
25 ~~be used to accent key architectural elements and/or to emphasize landscape~~
26 ~~features, and shall be designed to avoid the creation of hot spots, glare or a~~
27 ~~nuisance.~~ designed to meet the specific use regulations for commercial
28 lighting under this Article.

29 (2) Light fixtures shall be designed as an integral design element that
30 complements the design of the project through style, material or color.

31 (3) Lighting of on-site buildings shall be limited to wall-washer type fixtures or
32 up-lights, which do not produce spillover lighting.

33 (4) Site lighting shall not incorporate flood-light fixtures mounted on building
34 walls, roofs or poles, unless these are cutoff fixtures that do not produce
35 glare and spillage of light off the site.

36 C. *Requirements—Specific.*

37 (1) All outdoor light fixtures emitting two thousand fifty (2,050) or more
38 lumens shall be shielded as follows:

39 (a) Within thirty (30) feet of the property boundary must be full-cutoff
40 fixtures.

41 (b) All other outdoor lighting fixtures must be semi-cutoff or full-cutoff
42 fixtures.
43

1 **SECTION III.** Hernando County Code of Ordinances, Appendix A, Zoning Regulations,
2 Article III, SPECIFIC REGULATIONS, Section 3, Specific Use Regulations, Subsection O,
3 Commercial lighting standards, is hereby added to provide for revisions as more precisely
4 delineated with underlined text below:

5
6 O. Commercial lighting standards

7
8 Provisions of this section are applicable to all retail commercial development regardless of
9 size, all non-retail commercial development regardless of size, and all office development
10 regardless of size.

11
12 1. Intent. The intent of this section is to provide lighting that enhances the visual
13 impact of the project on the community and to specifically address lighting
14 intensity levels and glare accordingly. Commercial buildings and projects shall be
15 designed to provide safe, convenient and efficient lighting for pedestrians and
16 vehicles.

17
18 2. Requirements

19 (a) Lighting, including pole heights and fixture types, shall be designed in a
20 consistent and coordinated manner for the entire site. It shall be used to accent
21 key architectural elements and/or to emphasize landscape features, and shall be
22 designed to avoid the creation of hot spots, glare or a nuisance.

23 (b) Light fixtures shall be designed as an integral design element that complements
24 the design of the project through style, material or color.

25 (c) Lighting of on-site buildings shall be limited to wall-washer type fixtures or up-
26 lights, which do not produce spillover lighting.

27 (d) Site lighting shall not incorporate flood-light fixtures mounted on building
28 walls, roofs or poles, unless these are cutoff fixtures that do not produce glare
29 and spillage of light off the site;

30 (e) All fixtures must be full-cutoff or shielded;

31 (f) All lights must be pointed downward with the exception of low level accent
32 lighting;

33 (g) No spillover of light is permitted beyond property boundaries;

34 (h) No pole height shall exceed thirty-five (35) feet measured from finished grade
35 to the mounted light fixture; and

36 (i) The placement or use of searchlights shall be prohibited.

37
38 **SECTION IV.** Hernando County Code of Ordinances, Appendix A, Zoning Regulations,
39 Article VIII, PLANNED DEVELOPMENT PROJECT, Section 6, Special Regulations,
40 Subsection B; Subsection 4, is hereby amended to provide for revisions as more precisely
41 delineated with strike-through and underlined text below:

42
43 **B. Commercial development with any single building, or single site development with**
44 **multiple buildings with the same use and owned and managed by the same entity,**

1 greater than 65,000 square feet of gross floor area is only allowable through approval
2 as a Planned Development Project and which otherwise satisfies these requirements
3 and this article. This type of development may be compatible in a given commercial
4 zoning district but because of its size, intensity, increased traffic-generation, extended
5 hours of operation, or proximity to residential areas/districts or public schools require
6 additional conditions as a prerequisite for approval at a requested location. The
7 applicant shall have the burden of adequately demonstrating compliance with all of the
8 minimum standards set forth below and otherwise contained within this article. The
9 governing body, in their sole discretion and following public hearing and notice, shall
10 be the final arbiter of determining whether compliance with these minimum standards
11 has been adequately demonstrated and whether to approve, approve in part or deny a
12 particular request hereunder.

13
14 (4) ~~Outdoor~~ All outdoor lighting shall meet the following requirements: the specific
15 use regulations for commercial lighting under Article III.

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

17 (b) ~~All lights must be pointed downward with the exception of low level accent~~
18 ~~lighting not exceeding 40-watts;~~

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

20 (d) ~~Fixtures with outputs of 2,000 lumens or more require manual turn-off~~
21 ~~switches;~~

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

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

26 (g) ~~The placement or use of searchlights shall be prohibited.~~

27
28 **SECTION V. APPLICABILITY.** This Ordinance shall be applicable throughout the
29 unincorporated area of Hernando County.

30
31 **SECTION VI. SEVERABILITY.** It is declared to be the intent of the Board of County
32 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
33 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
34 the validity of the remaining portions of this ordinance.

35
36 **SECTION VII. CONFLICTING PROVISIONS.** Special acts of the Florida Legislature
37 applicable only to unincorporated areas of Hernando County, Hernando County ordinances,
38 County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this
39 ordinance to the extent of such conflict except for ordinances concerning either adoption or
40 amendment of the Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.

41
42 **SECTION VIII. FILING WITH THE DEPARTMENT OF STATE.** The clerk shall be and is
43 hereby directed forthwith to send a certified copy of this ordinance to the Bureau of
44 Administrative Code, Department of State, R.A. Gray Bldg., Room 101, 500 S. Bronough Street,
45 Tallahassee, FL 32399-0250.

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

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

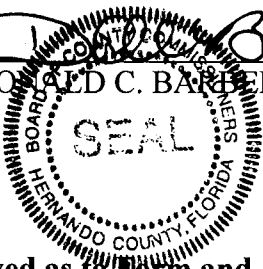
DULY PASSED AND ADOPTED IN REGULAR SESSION THIS 14th **DAY OF**
APRIL, 2015.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

Attest: 
DONALD C. BARBEE JR, CLERK

By: 
NICHOLAS W. NICHOLSON, CHAIRMAN

(SEAL)



**Approved as to Form and
Legal Sufficiency**

By: 