

From: [Harris, Whitley](#)
To: [Ordinances](#)
Cc: [County Ordinances](#)
Date: Wednesday, September 29, 2021 4:25:58 PM
Attachments: [Hernando20210929 Ordinance2021_19 Ack.pdf](#)



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

September 29, 2021

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

Attention: Ms. Heidi Kurppe, 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. 2021-19, which was filed in this office on September 29, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb

1 Classification Map shall be placed on file at the Hernando County Planning Department.
2 The Existing Functional Classification Map may be modified by board resolution at any
3 time upon notice of an advertised public hearing.

- 4 (2) *Minimum side yard requirement:* The minimum side yard requirement in all commercial
5 districts is twenty (20) feet.
- 6 (3) *Minimum rear yard requirement:* The minimum rear yard requirement in all commercial
7 districts is thirty-five (35) feet. The board may, upon request by the applicant, reduce the
8 required rear yard where such rear yards would be adjacent to railroad sidings if such
9 reduction would not be detrimental to surrounding areas.
- 10 (4) *Required land area:* C-3 Commercial Districts shall consist of no more than three (3)
11 acres of land area; A/C Districts shall consist of no more than five (5) acres.
- 12 (5) *Commercial lots adjacent to residential districts:* All commercial uses in all commercial
13 districts which are located on lots adjacent to a residential district shall maintain a
14 minimum setback requirement for all structures of thirty-five (35) feet in the side or rear
15 yard adjacent to the residential district. The outermost portion of the thirty-five-foot
16 setback bordering the parcel and adjacent to the residential district shall consist of a five-
17 foot landscaped separation strip. The commercial use located on such lot shall be
18 permanently screened from the adjoining and contiguous residential properties by a wall,
19 evergreen hedge and/or other approved enclosures. Such screening shall be located
20 within the required separation strip and shall have a minimum height of five (5) feet and
21 maximum height of eight (8) feet.
- 22 (6) *Commercial water body setbacks in the CM-1 and CM-2 Districts:* Where any of the
23 above (front, side, rear) setbacks in a CM-1 and CM-2 District are adjacent to a navigable
24 water body, the setback may be reduced to twenty-five (25) feet.
- 25 (7) *Communication tower setbacks in the C-4 District:* A monopole tower shall meet the
26 setbacks of the C-4 District. In no case shall a monopole tower one hundred (100) feet
27 in height or greater be located within one hundred twenty-five (125) percent of its height
28 to any residentially zoned property unless such property is used or designated for a
29 nonresidential use. In no case shall a monopole tower less than one hundred (100) feet
30 in height be located within one hundred (100) percent of their height to any residentially
31 zoned property unless such property is used or designated for a nonresidential use.
- 32 (8) *Maximum building height:* In the C-1, C-2, and C-4 Districts the maximum building
33 height is sixty (60) feet.; In the OP and A-C, CM-1, and CM-2 Commercial Districts, the
34 maximum building height is forty-five (45) feet and/or three (3) stories. In C-3
35 Commercial Districts, the maximum building height is thirty-five (35) feet ~~and/or two~~
36 ~~(2) stories.~~ The maximum building height permitted, except within the C-3 Commercial
37 District, may be increased, provided one additional foot is added to each of the required
38 yards for each additional foot of building height constructed over the maximum building
39 height permitted. In such cases, the minimum side yard requirement shall be thirty-five
40 (35) feet plus one additional foot for each additional foot of building height permitted.

41 E. *Residential Protection Standards in all commercial districts:*

- 42 (1) There shall be no speakers or other sound equipment located within 100 feet of any
43 single-family residential district property line.

- 1 (2) There shall be no buildings containing alcoholic beverage dispensation establishments,
2 convenience stores, or automotive and truck repair establishments located within 100
3 feet of any single-family residential district property line.
- 4 (3) No commercial activities which include customer entrances, drive-up windows, ordering
5 boxes, or loading/unloading areas shall be allowed to operate between the hours of 12
6 midnight and 7:00 a.m. within 100 feet of any single-family residential district property
7 line.
- 8 (4) No building within 100 feet of any single-family district residential district property line
9 shall be more than 20 feet in height.
- 10 (5) All loading bays and loading docks must be a minimum of 100' from any residential
11 district property line. Additionally, all loading bays and loading docks must be screened
12 from view from the public right-of-way or single-family residential district property line.
13 Screening may include landscape plantings, berms, fences, or walls.
- 14 (6) Air conditioning and/or other operational equipment must be oriented away from single
15 family residentially zoned property or screened to minimize noise impacts and reduce
16 visual incompatibility to the single family residentially zoned property. Screening may
17 include landscape plantings, berms, fences, or walls.

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19 **Section 2. Severability.** It is declared to be the intent of the Board of County Commissioners
20 that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any
21 reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the
22 remaining portions of this ordinance.

23 **Section 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners
24 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
25 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end,
26 the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and
27 that the word "ordinance" may be changed to "section," "article," or any other appropriate
28 designation.

29 **Section 4. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in
30 conflict with the provisions of this ordinance are hereby repealed.

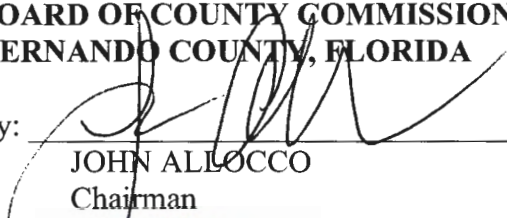
1 **Section 5. Effective Date.** This ordinance shall take effect immediately upon receipt of
2 official acknowledgment from the office of the Secretary of State of Florida that this ordinance
3 has been filed with said office.

4 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
5 **HERNANDO COUNTY** in Regular Session this 28th day of September 2021.

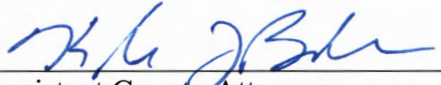
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**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: Heidi Kuppe, D.C.
for DOUG CHORVAT, JR.
Clerk

By: 
JOHN ALLOCCO
Chairman



Approved for Form and Legal Sufficiency

Assistant County Attorney