

STAFF REPORT

HEARINGS: Planning & Zoning Commission: November 13, 2023
Board of County Commissioners: December 12, 2023

APPLICANT: F.O. Enterprises, LLC

FILE NUMBER: H-23-26

REQUEST: Rezoning from PDP(OP)/ Planned Development Project (Office Professional) to PDP(GC)/ Planned Development Project (General Commercial) with specific C-2 uses of mini-warehouse and outdoor storage

GENERAL LOCATION: South side of Forest Oaks Blvd at its intersections with Casino Ct and Longbranch Ct.

PARCEL KEY NUMBERS: 1027855

APPLICANT'S REQUEST

The subject parcel was rezoned in 2004 (H-04-15) from PDP(MF)/ Planned Development Project (Multi-Family) to PDP(OP)/ Planned Development Project (Office Professional). Since the initial approval, no vertical construction has occurred on the subject site.

The petitioner requests a rezoning of the subject property from PDP(OP)/ Planned Development Project (Office Professional) to PDP(GC)/ Planned Development Project (General Commercial) with specific C-2 uses of mini-warehouse and outdoor storage.

Deviations

The petitioner requests a deviation from Appendix A Article VIII, Section 6B(8)(a), (b), and (d). These regulations require all commercial development over 65,000 square feet to:

- be located on roads classified in the Comprehensive Plan as arterial or higher. (6B(8)(a)).
- demonstrate at least two (2) vehicular access points providing adequate ingress and egress with appropriate turn lanes, intersection improvements, signage, and signalization (as may be required) to accommodate the traffic impacts of the project (6B(8)(b)).
- provide that pedestrian circulation is coordinated on-site and between adjacent properties for the purpose of providing for pedestrian circulation between complimentary uses (6B(8)(d)).

SITE CHARACTERISTICS

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| Site Size: | 6.24 acres |
| Surrounding Zoning; Land Uses: | North: PDP(SF)/ Planned Development Project (Single Family) South: PDP(SF)/ Planned Development Project (Single Family) and PDP(OP)/ Planned Development Project (Office Professional); Undeveloped East: PDP(PSF)/ Planned Development Project (Public Service Facility Overlay) for Post Office West: PDP(SU)/Planned Development Project (Special Use) for a Community Theater |
| Current Zoning: | PDP(OP)/ Planned Development Project (Office Professional) |
| Future Land Use Map Designation: | Residential |

ENVIRONMENTAL REVIEW

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|-----------------------------|---|
| Soils: | Candler Fine Sand |
| <i>Comment:</i> | Candler Fine Sand provides habitat suitable for gopher tortoises (a listed species) and commensal species. A comprehensive faunal (wildlife) survey shall be prepared by a qualified professional and submitted with the initial development applications. The petitioner is required to comply with all applicable FWC regulations and permitting. |
| Protection Features: | There are neither Protection Features (Wellhead Protection Areas (WHPA) nor Special Protected Areas (SPAs) on this site according to county data. |
| Hydrologic Features: | There are no Hydrologic Features (Sinkholes, Karst Sensitive Areas, and Wetlands) on this property according to county data. |
| Habitat: | The subject property is designated Urban Open Land and Urban Open Pine according to FWC CLC mapping (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data). |
| Water Quality: | The proposed development is within the Weeki Wachee River Basin Management Action Plan (BMAP), the Weeki Wachee Primary Focus Area (PFA), and the and Weeki Wachee Outstanding Florida Springs (OFS) Group. |

Comment: Implementation of Florida Friendly Landscaping™ principles, techniques, and materials designed to conserve water and reduce pollutant loading to Florida's waters is required. This shall be addressed during the permitting phase of development.

Flood Zone: The subject property is in the X flood zone with a small portion to the southwest is AE.

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) reviewed the project and provided the following comments:

- HCUD does not currently supply water or sewer service to this parcel.
- There is an existing 8-inch water main that runs along the north side of Forest Oaks Boulevard.
- There is an existing 8-inch sewer gravity main that runs in Forest Oaks Boulevard.

Comment: HCUD has no objection to the submitted zoning change from PDP(OP) to PDP(GC) with specific C-2 uses for mini-warehouse with outdoor storage, subject to connection to the central water and sewer systems at time of vertical construction.

ENGINEERING REVIEW

The County Engineer has reviewed the petitioner's request and provided the following comments:

- Engineering has no traffic concerns about the zoning change.
- This site does not contain floodplain (FEMA FIRM 12053C0186D) and,

Comment: Any development of the site must meet Hernando County Facility Design Guidelines and Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit design requirements.

LAND USE REVIEW

Mini-Warehouse and Outdoor Storage

The PDP(GC)/ Planned Development Project (General Commercial) zoning district allows all permitted uses in the C-1 zoning district and any special exception uses from the C-2 district that have been specifically designated in the narrative or on the master plan. The petitioner requests mini-warehouse, which is a permitted use in the C-2 district and outdoor storage, which is a special exception use in the C-2 district.

Special Regulations Appendix A, Article VIII, Section 6Residential Protection Standards

The subject property is within 100' of residentially zoned property and is therefore subject to the Residential Protection Standards.

Comment: The petitioner agrees to abide by the Special Regulations set forth in Article Appendix A, Article VIII, Section 6A through the following accommodations:

- The access gate for the will be located more than 100' from the surrounding residential zones.
- No buildings within 100' of the residentially zoned properties will be over 20' in height.
- No loading or docking bays will be located within 100' of a residentially zoned property. Loading bays and docks will be screened from adjacent properties according to the large-scale development regulations discussed below.
- No Mechanical/operational equipment including HVAC will be located at ground level within 100' of any property line. Equipment will be visually shielded, and sound attenuated as necessary to comply with the County's noise ordinance.

Large Scale Commercial Development

Commercial development with any single building, or single site development with multiple buildings with the same use and owned and managed by the same entity, greater than 65,000 square feet of gross floor area is only allowable through approval as a Planned Development Project and which otherwise satisfies these requirements and this article. The petitioner proposes 71,009 square feet of commercial buildings, triggering these code requirements to be met. These regulations pertain to the location of mechanical/operational equipment including HVAC, hours of operation, loading areas/docks, outdoor lighting, signage, and buffers.

Comment: The petitioner agrees to abide by the Special Regulations set forth in Article regulations set forth in Appendix A Article VIII, Section 6B through the following accommodations:

- No Mechanical/operational equipment including HVAC will be located at ground level within 100' of any property line. Equipment will be visually shielded, and sound attenuated as necessary to comply with the County's noise ordinance.
- Access to the site will be limited by a keyless gated entry. No employees will be on-site outside of normal work hours. Clients will be able to access their units 24 hours a day, however it is rare for the units

to be accessed after 10 pm and before sunrise (depending on the time of year).

- All outdoor lighting shall meet the specific use regulations for commercial lighting under Article III.
- Loading areas and docks will be situated between buildings in a manner which allows the buildings to act as screens. All loading areas/docks will be set back at least one hundred (100) feet from any property line external to the development site and shall be screened at 100% opacity through the use of landscape plantings, berms, fences or walls.
- On-site advertising signs shall be limited to mound mounted monument type signs. all sign requirements in this code.
- No building will be located within 100' of a residentially zoned property.
- A 35' wide buffer is shown on the master plan where the property abuts residentially zoned property. This buffer will be screened at 80% opacity, at a height of 6' above finished grade and shall run the length of the property line abutting the residential zone.

Requested Deviation

The petitioner requests a deviation from above referenced Appendix A Article VIII, Section 6B(8)(a), (b), and (d). These regulations require all commercial development over 65,000 square feet to:

- be located on roads classified in the Comprehensive Plan as arterial or higher. (6B(8)(a)).
- demonstrate at least two (2) vehicular access points providing adequate ingress and egress with appropriate turn lanes, intersection improvements, signage and signalization (as may be required) to accommodate the traffic impacts of the project (6B(8)(b)).
- provide that pedestrian circulation is coordinated on-site and between adjacent properties for the purpose of providing for pedestrian circulation between complimentary uses (6B(8)(d)).

These regulations are in place to accommodate increased vehicular traffic created` - by large scale commercial developments. Self-storage uses do not have the same high level of impact on the road network as other commercial uses. People do not go to storage units for purchases or entertainment.

The low impact of this use on the road network does not require the volume of vehicle traffic an arterial roadway is able to accommodate. Requiring multiple access points is another way the Land Development Regulations address the increased traffic volume. Again, due to the low impact of this land use on the roadway network two access points are not necessary.

The County Engineer stated he has no traffic concerns about the zoning change and does not require a traffic impact analysis for this development.

Comment: These deviation requests are reasonable in relation to the Mini-warehouse land use for this development project.

Buffers

The petitioner shows the drainage retention area (DRA) in the buffer on the west boundary of the parcel. The area where the DRA is shown is a low point which is shared with the subject parcel and the adjacent parcel on the west boundary of the property. The site topography necessitates construction in this location to ensure the runoff for the project remains on-site. The petitioner agrees to replanted the buffer to meet the requirements of the County's regulations.

Section 10-26 (1)

A vegetative buffer at least five (5) feet in width shall abut the street right-of-way/pavements for at least half of the street right-of-way frontage. If only installed planting areas are used, the vegetative buffer shall include a hedge of shrubs with a minimum height of eighteen (18) inches at time of planting. Shrubs shall be appropriately spaced according to growth needed of the species for the hedge to attain eighty (80) percent opacity within twelve (12) months of planting.

Comment: The petitioner offers a 15' planted buffer running along the entire frontage of the site to provide adequate screening from the road. This buffer will be planted according to Hernando County Regulations.

Section 10-26 (3)

Projects adjacent to a residential district shall provide a five-foot (5') landscaped vegetative buffer. The commercial use located on such property shall be permanently screened from the adjoining and contiguous residential properties.

If preserved natural vegetation is used as the buffer, it must meet opacity of at least eighty (80) percent to a minimum height of five (5) feet. Supplemental planting will be required if the natural buffer does not meet the opacity requirement.

All buffer types, except natural vegetation, must be maintained to a maximum of eight (8) feet in height.

Comment: The petitioner offers 10' vegetated buffer, supplemented with plantings where necessary to attain 80% opacity within 12 months along the property where it is not adjacent to a residential zone. The buffer adjacent to the residential zone will meet the requirements listed above and within the residential protection standards.

A fence will be installed around the perimeter of the site for security purposes. This fence shall be dominated by greenery which shall attain fifty

(50) percent opacity within twelve (12) months. The greenery shall be growing on the residential side.

Required Buffers:

- North: 15' planted buffer
- South: 35' residential protection buffer (against the residential zone)
10' natural buffer, against the PDP(OP) zone, supplemented with plantings to meet code requirement.
- East: 10' natural buffer supplemented with plantings to meet code requirement.
- West: 10' natural buffer supplemented with plantings to meet code requirement (as shown on the Master Plan)
10' planted to restore the buffer removed by the grading required for the DRA (as shown on the Master Plan).

Landscaping

(Section 10-21)

Commercial projects that are 1-acre or more are required to have a minimum of fifteen (15) percent of the site landscaped. The subject development is also required to have a minimum of fifteen (15) trees preserved or installed, five (5) of which shall be shade trees¹. Projects two (2) to twenty (20) acres must designate an area of at least five (5) percent of the total project area as preserved natural vegetation² and no construction activity can occur in this area. Preserved natural vegetation areas must be a minimum of two thousand (2,000) square feet and no more than two (2) non-contiguous areas shall be allowed.

Maintenance of all landscaping shall be the responsibility of the property owner. The plants within installed planting areas shall be healthy. Dead plants shall be replaced. Invasive-exotic plant species are not to be used for installed planting areas.

Any listed prohibited plant species shall be removed within the area of land clearing, prior to the issuance of the certificate of occupancy. Ground cover is required at all times for pervious surfaces except during permitted construction. An automatic irrigation system is required. No more than fifty (50) percent of landscaping shall be in the high water-use-zone. All landscaping, ground cover, and tree placement requirements must be completed prior to the issuance of the certificate of occupancy.

Comment: The following are included in the performance conditions:

¹ A **shade tree** is hardwood tree that normally grows to a mature height of at least forty (40) feet, provides relief from direct sunlight for at least six (6) months each year and is included in the recommended tree list. Palm trees and pine trees shall be excluded as shade trees (*Section 10-19*).

² Natural vegetation areas are defined as areas that have two (2) or more currently existing plant species native to the onsite soil type. (*Section 10-19*)

- Required landscaping for the site (15%): .94 acres (40,772 square feet)
- Required number of trees for the site: 97 trees, 31 of which shall be “shade” trees. Unless otherwise approved for removal, specimen and majestic trees shall be preserved.
- Required Preserved Natural Vegetation (7%): .44 acres (19,027 square feet). Preserved natural vegetation areas must be a minimum of two thousand (2,000) square feet and no more than two (2) non-contiguous areas shall be allowed.

Specimen and Majestic Trees

(Section 10-28(4))

If existing on the site, specimen (trees 18” DBH to 35.99” DBH) and majestic trees (trees 36” DBH and above) shall be preserved. Specimen and majestic trees that are within proposed areas to be cleared shall be drawn on the land clearing plan. Tree protection measures described in this article for commercial projects shall be in effect.

The county administrator’s designee shall review any petitions detailing the appropriate mitigating circumstances and **may** authorize a specimen tree or a majestic tree to be removed upon finding that any of the following conditions exist:

- a. The tree is an immediate safety hazard.
- b. The tree has an infestation of insects or pathogen that may reasonably be expected to lead to the death of the tree or spread to other trees.
- c. The tree is causing property damage or may be reasonably expected to cause property damage.
- d. Where the location of the tree prevents direct access to the property.
- e. The tree is weakened by age, storm, fire or other injury so as to pose a danger to persons, property, site improvements or other trees. Removal of the tree pursuant to this criterion shall be exempt from the replacement criteria of this article.
- f. When the tree prevents a proposed reasonable use of the site.

A demonstrated effort shall be made, through a comprehensive tree management plan, to preserve high quality trees in accordance with the intent of Chapter 10, Article II. *(Section 10-28 (5))*

Landscape Plan

(Section 10-25)

The landscape plan shall meet all the requirements of Section 10-25 of the Land Development Regulations. An existing tree location survey shall be drawn showing trees to be preserved and removed. This includes specimen and majestic trees as well as regulated trees up to a density of fifteen (15) per acre. The landscape design plan shall then be submitted to the county administrator or designee for approval. It shall be drawn by a landscape designer familiar with both plants and designs or a landscape architect familiar with both plants and designs.

The landscape plan shall include all dimensions, and plan information required by the site plan review process, including but not limited to:

1. Designation of plant materials lists by common and botanical (scientific) name, including applicable cultivar's name, and location of plant material to be installed or preserved in accordance with this section;
2. Use or zoning classification of adjacent properties;
3. A tabulation of all information necessary for evaluation of the plan, including gross acreage, area in square feet of impervious surfaces, area in square feet of green space, list of trees left native for credit to include diameters, buffer requirements to include plant types, water use plan, and mulch to a minimum depth of two (2) inches shall be printed on the plan and on the Hernando County Commercial Landscape Plan form.

The landscape plan will show the proposed natural vegetation areas to be preserved and the proposed areas to be cleared. The installed planting areas, buildings, drainage facilities, parking/pavement areas, storage areas, or impervious surfaces existing or proposed for the development site shall also be displayed. Finally, the landscape design plan shall include the following items:

1. Soil characteristics.
2. Plant installations. Installed plant materials shall conform to the Standards for Florida Grade No. 1-or-better as given in Grades and Standards for Nursery Plants (GSNP), State of Florida, Department of Agriculture and Consumer Services.
 - a. Installed plants shall be grouped in planning areas according to water-use-zones and irrigated separately according to high, moderate, or low water usage. If turf grass is used, it shall be irrigated separately from other landscaping.
 - b. Installed plants shall be appropriately spaced according to growth needs of the species. Except for this priority or as otherwise indicated, no two (2) plants (excluding trees and turf grass) shall be more than thirty (30) inches apart on center.
 - c. No more than fifty (50) percent of the landscaping shall be turf grass unless varieties with excellent drought-tolerance are used.
 - d. Mulches are required and shall be at least two (2) inches in depth.
 - e. Synthetic lawns or synthetic plants are not acceptable.
3. Water use zones and irrigation. For all required landscaped areas irrigation shall be used in order to establish and maintain optimal growth of plant material. The irrigation system shall be designed to correlate to the water use plant zones established in the landscape design. On projects larger than two (2) acres, only shallow wells, open surface water bodies or reclaimed water shall be used as the source of irrigation water. The following criteria for irrigating the site should be used

in the design of the system. Water use zones shall be designed for installed planting areas according to high, moderate, or low water usage. The percentage of each zone to the total of all landscaping shall be shown. No more than fifty (50) percent of landscaping shall be in the high-water use zone. Areas of preserved natural vegetation shall be counted toward the low water use zone.

- a. All automatic irrigation systems shall be designed to avoid runoff, low-head drainage, over spray, or comparable conditions where water flows onto/over adjacent property, non-irrigated areas, impervious structures, sidewalks, or roadways.
- b. Irrigation control equipment shall include an automatic irrigation controller that has adequate programming flexibility to respond to the specifications of irrigation devices being used. This includes features such as repeat cycles and multiple-program capabilities.
- c. Sprinkler spacing shall not exceed fifty-five (55) percent of the sprinkler diameter coverage.
- d. Nozzle sizes shall match the water application rate of the zone.
- e. Sprays, rotors, and low-volume emitters shall have consistent application rates within each control-valve circuit. Drip, micro-spray, or other low-volume emitters are required in non-turf grass areas that are outside of the high water use zone.
- f. An operational soil moisture sensor or a rain sensor shut off device, that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred, shall be installed and must be maintained and operated on all irrigation systems.
- g. All watering restrictions of the Southwest Florida Water Management District (SWFWMD) and Hernando County shall be obeyed.

Construction Buffer

(Section 10-21(a)(5))

All new development (subdivision and commercial) greater than two (2) acres that abuts existing residentially zoned housing units not in previously developed or future phases of the same development is required to provide a construction buffer at the perimeter of the construction site boundary.

Comment:

The southernmost property line is the only one that abuts a residential zone. A construction buffer shall be installed along this southernmost property line. Staff recommends, if the developer is able, that the construction buffer be installed before the land clearing begins for the purpose of being a good neighbor to those existing homes. The County regulations do not require the construction buffer to be installed before land clearing, this is merely a suggestion.

There is little vegetation in this area, so a fence, temporary or permanent, is required that meets the following requirements, which are included in the performance conditions:

1. A fence or wall at least six (6) feet in height above grade shall be installed within thirty (30) days of clearing and prior to commencement of construction.
2. The fence must include mesh or slats to minimize airborne erosion.
3. If a permanent fence or wall is provided it must be dominated by greenery on the side facing adjacent property at the conclusion of construction before the construction bond is released.

Performance Bond

At the beginning of the development process (residential and commercial) a performance bond is provided to the County. A performance bond is a lump sum of money, specific to the project, provided to Hernando County to hold until the conditions specified in this report are fulfilled according to Hernando County Development Regulations and the approved plans. If the project is abandoned or the developer is unable to fulfill the requirements of the performance conditions, the County may use the bond to complete the work that was abandoned, so as not to leave the property as a nuisance to the community until it can be sold and or taken over by another party. The bond may also be used to “fix” or repair portions of the development that the developer is unable to bring into compliance.

The role of the performance bond in the development process makes it extremely important to the community and the County. The performance bond shall not be released until the performance conditions established in this document are completed according to the approved plans and according to the Hernando County Development Regulations.

COMPREHENSIVE PLAN REVIEW

Future Land Use Map

The subject parcel has a Residential future land use designation. The Comprehensive Plan is, however, not parcel specific and is meant to provide guidance with regards to the future development of the County especially along major commercial corridors. The Rural portion of the subject property is considered “infill” per the Comprehensive Plan Strategies.

Strategy 1.04A(2): Review of rezoning requests shall be consistent with the overall intent of the Future Land Use Map (FLUM) and Comprehensive Plan strategies in terms of potential use or character and in terms of potential densities and intensities.

Strategy 1.04A(14): The land use categories depicted upon the Future Land Use Map which are not the subject of an adopted development order are intended to be a graphic illustration of the general boundaries of the depicted category and may not be exact. The land use category boundaries may be determined by the configuration of a subject parcel, the location of that

parcel in relation to other parcels in that same category, compatibility of the category with surrounding categories and/or uses, and the location of manmade or natural features. The land use category boundaries may also be determined by the Board of County Commissioners in conjunction with a zoning application or planned development project consistent with the guidance of this strategy.

Residential Category

Objective 1.04B: The Residential Category allows primarily single family, duplex, resort and multi-family housing and associated ancillary uses such as recreational and institutional. Office and certain commercial uses may be allowed subject to the locational criteria and performance standards of this Plan. Residential density shall not exceed 22 dwelling units per gross acre.

Comment: The location of the subject property on the outside edge of a residential area and the low-impact of this use on the surrounding community presents an appropriate transition from commercial to residential along Forest Oaks Blvd.

FINDING OF FACTS

1. Commercial uses can be allowed in the residential future land use provided the impact of the use is compatible with the intensity of the residential uses around it.
2. The petitioner has proposed buffers that are equal to or larger than the buffers required in the Land Development Regulations.
3. The petitioner agrees to abide by the performance condition set forth herein.

NOTICE OF APPLICANT RESPONSIBILITY

The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowner associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

STAFF RECOMMENDATION

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a Resolution approving the petitioner's request for a rezoning from PDP(OP)/ Planned Development Project (Office Professional) to PDP(GC)/ Planned Development Project (General Commercial) with specific C-2 uses of mini-warehouse and outdoor storage and the following performance conditions:

1. The petitioner shall obtain all permits from Hernando County and other applicable agencies, meet all applicable land development regulations for either construction or use of the property, and complete all applicable development review processes.
2. All performance conditions established herein shall be completed according to the approved plans prior to the release of the performance bond.
3. Planning
 - A. Allowed Uses in this PDP: Mini-warehouse and Outdoor Storage as shown in the master plan approved by the Board of County Commissioners.
 - B. Maximum Square Footage,
 - i. Indoor Storage: 71,009 square feet
 - ii. Outdoor Storage: 15,270 square feet
 - C. Minimum Building Separation: 20'
 - D. Maximum Building Height:
 - i. Buildings within 100' of a residential property line: 20'
 - ii. Buildings not within 100' of a residential property line: 60'
 - E. Perimeter Setbacks:
 - i. North: 75'
 - ii. South: 35' (on all southern property lines)
 - iii. East: 35' adjacent to the PDP(OP) district
20' on the remainder of the eastern property.
 - iv. West: 20'
4. Environmental
 - A. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional and submitted as a part of the initial permit application before any development activity occurs on this site. The petitioner is required to comply with all applicable FWC regulations and permitting. This survey shall include existing plant communities present on the site, and identification of invasive vegetation (as designated by IFAS or the USDA).

- B. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for required plantings and buffers, as applicable.
- C. The Petitioner shall meet all requirements included in *Section 10-21b Commercial Projects*.
- i. Required Landscaping: .94 acres (15%, 40,772 square feet)
 - ii. Required Tree per Acre: 97 trees, 31 of which shall be “shade” trees. Unless otherwise approved for removal, specimen and majestic trees shall be preserved.
 - iii. Required Natural Vegetation: .44 acres (19,027 square feet). (7% of the project acreage). Preserved natural vegetation areas must be a minimum of two thousand (2,000) square feet and no more than two (2) non-contiguous areas shall be allowed.

5. Buffers

Perimeter buffers shall remain undisturbed, except for the removal of invasive species or dead trees, and the-+* installation supplemental plantings to reach the required opacity. All buffer types, except natural vegetation, must be maintained to a maximum of eight (8) feet in height. All landscaping, buffer and groundcover requirements shall be completed before the performance bond is released.

A. Minimum Perimeter Buffers:

- North: 15' planted buffer
- South: 35' residential protection buffer (abutting the residential zone)
10' natural buffer, against the PDP(OP) zone, supplemented with plantings to meet code requirement.
- East: 10' natural buffer supplemented with plantings to meet code requirement.
- West: 10' natural buffer supplemented with plantings to meet code requirement (as shown on the Master Plan)
10' planted buffer to restore the vegetation removed by the grading required for the DRA (as shown on the Master Plan).

B. Vegetative Buffers

Vegetative buffers are comprised of a minimum of forty (40) plants per area of land five (5) feet in width by one hundred (100) feet in length. A combination of preserved plants or installed plants may be used. If plants are preserved, they must be shrubs or trees to count toward the requirement. (*Section 10-26(c)*).

Vegetative buffers shall include plants with a minimum height of eighteen (18) inches at time of planting. Trees/vegetation with a minimum height of five (5) feet and a maximum height of eight (8) feet, or an evergreen hedge may be used, with a minimum height of five (5) feet at the time of planting.

- C. Natural vegetation is to be retained where present in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement within 12 months and maintained to a minimum height of five (5) feet.
- D. The fence or wall used with the buffer shall be visually dominated by greenery and attain fifty (50) percent opacity/coverage within twelve (12) months of planting (*Section 10-26(b)*). The greenery shall be installed on the external side of the fence that faces adjacent parcels.
- E. Invasive plant species, if present, are to be removed during the development process.

6. Landscaping

- A. All landscaping and buffers shall be completed before the performance release bond is released.
- B. Maintenance of all landscaping shall be the responsibility of the property owner. The plants within installed planting areas shall be healthy. Dead plants shall be replaced on a 1 to 1 basis.
- C. A **Landscape Design Plan** meeting all requirements of *Section 10-25* of the Hernando County Code shall be prepared by a qualified professional and submitted as a part of the conditional plat application. Existing plant communities, including any vegetation listed as invasive by the county, shall be listed on the landscape design plan (*Section 10-22 j*).
- D. A **Land Clearing Plan** meeting all the requirements of *Section 10-28* of the Hernando County Code shall be prepared by a qualified professional and submitted for approval with the conditional plat application. The plan shall show the proposed natural vegetation areas to be preserved and the proposed areas to be cleared. Installed planting areas of high-water use shall also be shown. The land clearing permit for the new subdivision authorizes clearing of street right-of-way, drainage areas, utility areas, and individual lots as approved on subdivision construction plans. (*Section 10-28 (2)*)

7. Residential Protection and Large-Scale Commercial

- A. No Mechanical/operational equipment including HVAC shall be located at ground level within 100' of any property line. Equipment shall be visually shielded, and sound attenuated as necessary to comply with the County's noise ordinance.
- B. Access to the site shall be limited by a keyless gated entry.
- C. All outdoor lighting shall meet the specific use regulations for commercial lighting under Article III.

- D. Loading areas and docks shall be situated between buildings in a manner which allows the buildings to act as screens. All loading areas/docks will be set back at least one hundred (100) feet from any property line external to the development site and shall be screened at 100% opacity through the use of landscape plantings, berms, fences or walls.
- E. On-site advertising signs shall be limited to mound mounted monument type signs. all sign requirements in this code.
- F. No building will be located within 100' of a residentially zoned property.
- G. A 35' wide buffer is shown on the master plan where the property abuts residentially zoned property. This buffer will be screened at 80% opacity, at a height of 6' above finished grade and shall run the length of the property line abutting the residential zone.

8. Development

- A. A **Construction Buffer** shall be installed along the southernmost property line within thirty (30) days of clearing and prior to commencement of construction.

It shall be a natural vegetative buffer, supplemented with plantings, a minimum of thirty-five (35) feet in width, provide a minimum of eighty (80) percent opacity, and minimize airborne erosion to existing adjacent residentially zoned housing units.

The buffer shall include a fence or wall, designed to minimize airborne erosion, at least six (6) feet in height above grade, and shall be installed within thirty (30) days of clearing and prior to commencement of construction. If a permanent fence or wall is provided it must be dominated by greenery on the side facing adjacent property at the conclusion of construction.
- B. If a permanent fence or wall is used for the construction buffer, the fence or wall must be dominated by greenery on the side facing adjacent property at the conclusion of construction before the performance bond is released.
- C. **Reestablishing Ground Cover:** Within 30 days of completion of the infrastructure approved by the land clearing permit, vegetative ground cover shall be reestablished for all disturbed areas to reduce dust clouds, storm water runoff, and soil erosion. If turf grass is used, varieties with excellent drought-tolerance are required.
- D. The petitioner shall remove any **barbed wire and/or electric fencing** from the subject parcel(s) prior to the issuance of any Certificate of Occupancy being issued. This includes any areas designated as Buffers and Drainage Retention Areas designated as PDP(Special Use) on the conditional or final plats.

9. Engineering: Any development of the site must meet Hernando County Facility Design Guidelines and Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit design requirements.

10. Utilities: A utility capacity analysis, and connection to the central water and sewer systems shall be performed at time of vertical construction.

Please note: Availability of existing water, sewer, and reclaimed water capacity is dependent on the engineer's estimated flows for the proposed development. Existing utility infrastructure may require upgrades to supply service to the proposed development. Complete a Utilities Capacity Request form located on HCUD's Engineering website and submit with a proposed site plan for capacity inquiries.

****Utility location does not guarantee capacity****

11. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.

P&Z RECOMMENDATION:

On November 13, 2023, the Planning and Zoning Commission voted 3-1 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from PDP(OP)/ Planned Development Project (Office Professional) to PDP(GC)/ Planned Development Project (General Commercial) with specific C-2 uses of mini-warehouse and outdoor storage and the following unmodified performance conditions:

12. The petitioner shall obtain all permits from Hernando County and other applicable agencies, meet all applicable land development regulations for either construction or use of the property, and complete all applicable development review processes.
13. All performance conditions established herein shall be completed according to the approved plans prior to the release of the performance bond.

14. Planning

- A. Allowed Uses in this PDP: Mini-warehouse and Outdoor Storage as shown in the master plan approved by the Board of County Commissioners.
- B. Maximum Square Footage,
 - i. Indoor Storage: 71,009 square feet
 - ii. Outdoor Storage: 15,270 square feet
- C. Minimum Building Separation: 20'
- D. Maximum Building Height:
 - i. Buildings within 100' of a residential property line: 20'
 - ii. Buildings not within 100' of a residential property line: 60'
- E. Perimeter Setbacks:
 - i. North: 75'
 - ii. South: 35' (on all southern property lines)
 - iii. East: 35' adjacent to the PDP(OP) district
20' on the remainder of the eastern property.
 - iv. West: 20'

15. Environmental

- A. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional and submitted as a part of the initial permit application before any development activity occurs on this site. The petitioner is required to comply with all applicable FWC regulations and permitting. This survey shall include existing plant communities present on the site, and identification of invasive vegetation (as designated by IFAS or the USDA).

- B. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for required plantings and buffers, as applicable.
- C. The Petitioner shall meet all requirements included in *Section 10-21b Commercial Projects*.
- iv. Required Landscaping: .94 acres (15%, 40,772 square feet)
- v. Required Tree per Acre: 97 trees, 31 of which shall be “shade” trees. Unless otherwise approved for removal, specimen and majestic trees shall be preserved.
- vi. Required Natural Vegetation: .44 acres (19,027 square feet). (7% of the project acreage). Preserved natural vegetation areas must be a minimum of two thousand (2,000) square feet and no more than two (2) non-contiguous areas shall be allowed.

16. Buffers

Perimeter buffers shall remain undisturbed, except for the removal of invasive species or dead trees, and the installation of supplemental plantings to reach the required opacity. All buffer types, except natural vegetation, must be maintained to a maximum of eight (8) feet in height. All landscaping, buffer and groundcover requirements shall be completed before the performance bond is released.

F. Minimum Perimeter Buffers:

- North: 15' planted buffer
- South: 35' residential protection buffer (abutting the residential zone)
10' natural buffer, against the PDP(OP) zone, supplemented with plantings to meet code requirement.
- East: 10' natural buffer supplemented with plantings to meet code requirement.
- West: 10' natural buffer supplemented with plantings to meet code requirement (as shown on the Master Plan)
10' planted buffer to restore the vegetation removed by the grading required for the DRA (as shown on the Master Plan).

G. Vegetative Buffers

Vegetative buffers are comprised of a minimum of forty (40) plants per area of land five (5) feet in width by one hundred (100) feet in length. A combination of preserved plants or installed plants may be used. If plants are preserved, they must be shrubs or trees to count toward the requirement. (*Section 10-26(c)*).

Vegetative buffers shall include plants with a minimum height of eighteen (18) inches at time of planting. Trees/vegetation with a minimum height of five (5) feet and a maximum height of eight (8) feet, or an evergreen hedge may be used, with a minimum height of five (5) feet at the time of planting.

- H. Natural vegetation is to be retained where present in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement within 12 months and maintained to a minimum height of five (5) feet.
- I. The fence or wall used with the buffer shall be visually dominated by greenery and attain fifty (50) percent opacity/coverage within twelve (12) months of planting (*Section 10-26(b)*). The greenery shall be installed on the external side of the fence that faces adjacent parcels.
- J. Invasive plant species, if present, are to be removed during the development process.

17. Landscaping

- A. All landscaping and buffers shall be completed before the performance release bond is released.
- B. Maintenance of all landscaping shall be the responsibility of the property owner. The plants within installed planting areas shall be healthy. Dead plants shall be replaced on a 1 to 1 basis.
- C. A **Landscape Design Plan** meeting all requirements of *Section 10-25* of the Hernando County Code shall be prepared by a qualified professional and submitted as a part of the conditional plat application. Existing plant communities, including any vegetation listed as invasive by the county, shall be listed on the landscape design plan (*Section 10-22 j*).
- D. A **Land Clearing Plan** meeting all the requirements of *Section 10-28* of the Hernando County Code shall be prepared by a qualified professional and submitted for approval with the conditional plat application. The plan shall show the proposed natural vegetation areas to be preserved and the proposed areas to be cleared. Installed planting areas of high-water use shall also be shown. The land clearing permit for the new subdivision authorizes clearing of street right-of-way, drainage areas, utility areas, and individual lots as approved on subdivision construction plans. (*Section 10-28 (2)*)

18. Residential Protection and Large-Scale Commercial

- A. No Mechanical/operational equipment including HVAC shall be located at ground level within 100' of any property line. Equipment shall be visually shielded, and sound attenuated as necessary to comply with the County's noise ordinance.
- B. Access to the site shall be limited by a keyless gated entry.
- C. All outdoor lighting shall meet the specific use regulations for commercial lighting under Article III.

- D. Loading areas and docks shall be situated between buildings in a manner which allows the buildings to act as screens. All loading areas/docks will be set back at least one hundred (100) feet from any property line external to the development site and shall be screened at 100% opacity through the use of landscape plantings, berms, fences or walls.
- E. On-site advertising signs shall be limited to mound mounted monument type signs. all sign requirements in this code.
- F. No building will be located within 100' of a residentially zoned property.
- G. A 35' wide buffer is shown on the master plan where the property abuts residentially zoned property. This buffer will be screened at 80% opacity, at a height of 6' above finished grade and shall run the length of the property line abutting the residential zone.

19. Development

- A. A **Construction Buffer** shall be installed along the southernmost property line within thirty (30) days of clearing and prior to commencement of construction.

It shall be a natural vegetative buffer, supplemented with plantings, a minimum of thirty-five (35) feet in width, provide a minimum of eighty (80) percent opacity, and minimize airborne erosion to existing adjacent residentially zoned housing units.

The buffer shall include a fence or wall, designed to minimize airborne erosion, at least six (6) feet in height above grade, and shall be installed within thirty (30) days of clearing and prior to commencement of construction. If a permanent fence or wall is provided it must be dominated by greenery on the side facing adjacent property at the conclusion of construction.
- B. If a permanent fence or wall is used for the construction buffer, the fence or wall must be dominated by greenery on the side facing adjacent property at the conclusion of construction before the performance bond is released.
- C. **Reestablishing Ground Cover:** Within 30 days of completion of the infrastructure approved by the land clearing permit, vegetative ground cover shall be reestablished for all disturbed areas to reduce dust clouds, storm water runoff, and soil erosion. If turf grass is used, varieties with excellent drought-tolerance are required.
- D. The petitioner shall remove any **barbed wire and/or electric fencing** from the subject parcel(s) prior to the issuance of any Certificate of Occupancy being issued. This includes any areas designated as Buffers and Drainage Retention Areas designated as PDP(Special Use) on the conditional or final plats.

20. Engineering: Any development of the site must meet Hernando County Facility Design Guidelines and Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit design requirements.

21. Utilities: A utility capacity analysis, and connection to the central water and sewer systems shall be performed at time of vertical construction.

Please note: Availability of existing water, sewer, and reclaimed water capacity is dependent on the engineer's estimated flows for the proposed development. Existing utility infrastructure may require upgrades to supply service to the proposed development. Complete a Utilities Capacity Request form located on HCUD's Engineering website and submit with a proposed site plan for capacity inquiries.

****Utility location does not guarantee capacity****

22. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.