

BOARD OF COUNTY COMMISSIONER ACTION:

On the July 30, 2024 hearing, the Board of County Commissioners voted adopt a resolution 14217, approving the petitioner's request for a rezoning from R-1C to PDP(MF)/ Planned Development Project (Multifamily) with deviations and modified performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. **Planning**
 - A. Allowed Uses in this PDP: Multifamily complex and associated accessory uses.
 - B. Maximum number of Dwelling Units Allowed: Twelve (12)
 - C. Minimum Dwelling Unit Size: 600 square feet
 - D. Setbacks (inclusive of the vegetated buffer)
 - North: 10'
 - South: 10'
 - East: 35'
 - West: 75'
 - E. Minimum Building Separation: 15'
 - F. Building Coverage: 45%
 - G. Building Height: 45' / 3 stories
3. **Buffers and Permanent Screening:**
 - A. The subject property shall be permanently screened from the adjoining and contiguous properties by a vegetated landscaped buffer and ~~a masonry wall~~ vinyl fence. The vegetation shall have a minimum height of five (5) feet and a maximum height of eight (8) feet. The wall shall be a minimum of five (5) feet tall.
 - North: 5'
 - South: 10'
 - East: 10'
 - West: 10'

*Buffer fencing – the required greenery shall be installed on the side of the fence or wall that faces the adjacent property.
 - B. Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement within 12 months. Supplemental planting will be required if the natural buffer does not meet the opacity requirement.
 - C. Vegetated buffers shall remain undisturbed, with the exception of the removal of invasive species or dead trees (without the use of large machinery that would level the buffer). Buffers may not include any stormwater management facilities, drainage retention areas or utility easements.
4. **Environmental:**
 - B. **Required Open Space:** 7,449 square feet.

Multifamily Development (*Appendix A, Article VIII, Section 1 (H)(1)(e)*): The minimum open space required for multifamily developments containing twelve (12) or more units shall dedicate a minimum of fifteen (15) percent of the gross site to be maintained in open space. A minimum of fifty (50) percent of the required open space shall be in areas at least five hundred (500) square feet in size with no horizontal dimension less than fifteen (15) feet.

C. **Required Natural Vegetation:** 2,483 square feet.

Preserved natural vegetation and/or planted native vegetation shall be provided per the following standard (*Article II, Section 10-28 (2)*):

Projects on less than two (2) acres must designate an area of at least five (5) percent of the total project area as native vegetation and must plant that area using Florida Friendly Landscaping™. The native vegetation must consist of a single, contiguous area. Preserved natural vegetation may be considered.

D. **Landscaping**

A minimum of fifteen (15) trees per acre shall be either preserved or installed. At least five (5) of those trees shall be shade trees. Unless otherwise approved for removal, specimen and majestic trees shall be preserved.

- I. Invasive plant species if present are to be removed during the development process.
- II. 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.

The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ Program information and encourage the use of the principles, techniques, and landscaping recommendations. Information on the County's Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.

5. **Engineering:**

- A. The petitioner shall obtain all applicable permits from Hernando County and other applicable permitting agencies. These permits include, but are not limited to, a right-of-way use permit, an access management or drainage permit from the Florida Department of Transportation (FDOT), and/or a Gopher Tortoise Relocation Permit from the Florida Fish and Wildlife Commission (FWC).
- B. Necklace Warbler Avenue shall be considered the reverse frontage road for the project. This frontage road shall be paved from Yellow Hammer Road south to Florida Wren Avenue using a frontage road cross section with a sidewalk on one side.
- C. The developer shall connect the building to the sidewalk along U.S.19/Commercial Way and to the sidewalk constructed along Necklace Warbler.

6. Utilities

Hernando County Utilities Department (HCUD) approval is subject to the Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System for the project.

7. Schools

The petitioner must apply for and receive a "Finding of School Capacity" from the School District prior to the approval of the conditional plat or the functional equivalent. The County will only issue a certificate of concurrency for schools upon the School District's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of subdivision approval or site plan approval (or functional equivalent) for each level of school without mitigation, or with the execution of a legally binding proportionate share mitigation agreement between the applicant, the School District and the County.

Without Conditional Plat or the functional equivalent in place, the School Districts finding of school capacity expires within one (1) year of issuance.

8. The petitioner shall remove any barbed wire and/or electric fencing from the subject parcel 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 plats.
9. Prior to the issuance of an approved set of construction plans, the developer shall provide the Department of Public Works and the Planning Department with a contact list of any known contractors and professionals that will be working on the site as well as designating a primary contact should issues arise.

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