

STAFF REPORT

HEARINGS: Planning & Zoning Commission: December 11, 2023
Board of County Commissioners: January 9, 2024

APPLICANT: 520 SW 15 Street LLC

FILE NUMBER: H-23-48

REQUEST: Rezoning from R-1B (Residential) to PDP(CM)/Planned Development Project (Commercial Marine) with a specific CM-1 use for Boat Rentals

GENERAL LOCATION: South side of Cortez Boulevard, approximately 880 feet southeast of Mary's Fish Camp Road

PARCEL KEY NUMBERS: 89692

APPLICANT'S REQUEST

The petitioner is requesting a rezoning from R-1B (Residential) to PDP(CM)/Planned Development Project (Commercial Marine) with a specific CM-1 use for Boat Rentals for a 0.16 acre portion of a 3.0 acre split zoned parcel. The balance of the site is zoned C-2 (Highway Commercial). The subject 0.16 acre strip (Lot 1A) is unimproved land stretching along the Mudd Rive and located south of the C-2 (Highway Commercial) zoned containing an existing five (5) unit motel (built 1966).

The petitioner has indicated rezoning the subject site for boat and water vessel rental. Boat rentals are intended to be rentals to motel patrons as well as to the public. Only the north 200 feet (400' overall length) of the strip property will be used for boat dockage and boat/water vessel rentals. The remaining 200' will be restricted from such use and utilized for passive recreational use. No structures are proposed on the Commercial Marine portion, other than docks to accommodate the boat/vessel rentals.

SITE CHARACTERISTICS

Site Size: 0.14 acre portion (3.0 parent tract)

**Surrounding Zoning;
Land Uses:** North: AG (Agricultural); Conservation
South: R-1B; Single Family
East: CM-1, R-1B; Dry Boat Storage/Marina, Single Family
West: PDP(SF), Mudd River; Undeveloped

Current Zoning: C-2 (Highway Commercial); R-1B (Residential)

**Future Land Use
Map Designation:** Residential

ENVIRONMENTAL REVIEW

Soil Type:	Aripeka-Okeelanta-Lauderhill Association and Udalfic Arents-Urban Land complex (dredge material)
Hydrologic Features:	The property is situated along a canal and contains no mapped wetlands.
Protection Features:	The property contains no Special Protection Area (SPA), Wellhead Protections Areas (WHPA), or known archaeological/historical sites according to County data resources.
Habitat:	The property is developed and shown as medium density according to FWC CLC (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with Fish and wildlife data) mapping. The property is not expected to have listed protected species.
Flood Zone:	AE

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) currently provides commercial water and sewer service to this parcel. HCUD has no objections to the petitioner's request.

ENGINEERING REVIEW

The County Engineer has reviewed the petitioner's request and provided the following comments for both proposed uses:

- This site is within the Coastal Flood Zone "AE 13", located on the canal portion of the Mud River.
- Revise the design of the driveway, parking layout, and sidewalk to meet current County standards when developed.
- The project must provide the appropriate amount of parking spaces for type of use on property. Parking is not permitted in right-of-way. No standing, stopping, or parking in right-of-way is permitted by Ordinance.
- FDOT access permit is required.

LAND USE REVIEW

The petitioner's request is to rezone a 0.16 acre portion of a 3.0 acre split zoned tract to PDP(CM)/Planned Development Project (Commercial Marine) for Boat Rentals in order to provide boat/water vessels rentals. Although the existing motel is zoned C-2 (Highway Commercial), boat rentals are a specific listed use in the CM-1 (Commercial Marine) zoning District.

Minimum Building Setbacks:

Front: 75'
Side: 20'
Rear: 35'

Boat Docks:

Any proposed boat docks shall meet the minimum requirements of the Marine Construction Code and the Riverine Protection Ordinance (RPO).

Buffers:

The petitioner has not indicated any buffers or screening for the proposed boat rental; however, has indicated only utilizing the northern 200' of the 400' strip for boat rental and associated docks. The remaining 200' would be reserved for passive recreational use.

Comments: If approved, the southern 200' of the proposed 0.16 acre portion of the project, should remain as passive recreational in order to limit boat rental activities and intensity along the river.

COMPREHENSIVE PLAN REVIEW

The subject site is located in the Residential Land Use designation on the County's comprehensive plan. The area is characterized by C-3 (Neighborhood Commercial) and CM-1 (Commercial Marine) along Cortez Boulevard and R-1B (Residential) south across from the canal. The petitioner is requesting a PDP(CM)/Planned Development Project (Commercial Marine) with a specific CM-1 use for Boat Rentals.

Specialty Commercial Category

Strategy 1.04G(11): Specialty Commercial areas are recognized but generally not depicted on the Future Land Use Map due to their small size and specialized function. The County will provide for land use regulations that recognize and encourage specialty commercial uses important to the traditional economic base, including Agricultural Commercial, Marine Commercial and Heavy Commercial uses.

Strategy 1.04G(13): Marine Commercial uses may be established to accommodate water-dependent uses and to encourage the preservation of recreational and commercial working waterfronts. These areas may distinguish between land uses that serve primarily recreational purposes and those that serve primarily commercial fishing and support-related businesses. Marine Commercial zoning districts shall meet the following criteria:

- a. be located in the Hernando Beach or Aripeka communities;
- b. provide a water-dependent or water-related service or product;
- c. provide for tourist amenities and services;

- d. minimize the adverse impacts on the waterways they are proximate to and on navigation;
- e. are clustered with like uses;
- f. comply with the strategies of adopted community vision plans.

Comments: The petitioners request for boat rental is a specific use limited to the Commercial Marine zoning Districts and are specific to those parcels directly adjacent to waterways. The proposed use is compatible with the CM-1 (Commercial Marine) parcels directly to the west and meets the specialty commercial criteria.

Land Use Compatibility

Objective 1.10B: The County shall establish standards by which land use compatibility is evaluated in the review of proposals for Future Land Use Map amendments, zoning changes, and other land development applications.

Strategy 1.10B(1): Future Land Use Map amendments should be compatible with surrounding development and minimize impact to natural resources without the need for mitigation measures that are extraordinary in scope or difficult to enforce.

Comments: The area is characterized by C-3 (Neighborhood Commercial) and CM-1 (Commercial Marine) along the Cortez Boulevard, R-1B (Residential) along the south. Furthermore, Mary's Fish Camp further south and miscellaneous water-dependent recreation.

Planned Development Projects and Standards

Objective 1.10C: Planned Development Project (PDP) zoning introduces flexibility to the land development process. The PDP is developed as a zoning district that may include multiple land uses and provides for the mitigation of impacts through performance standards. The PDP process may be used in any Future Land Use Category.

Strategy 1.10C(1): A Planned Development Project (PDP) is designed as an integral unit with one or more land uses utilizing a Master Plan to illustrate and describe the site layout and characteristics including, but not limited to, uses and use restrictions, density and intensity, site and building layout and design, site coverage and designated open space, construction and phasing plans, and other detailed information about the project.

Comments: The petitioner has request PDP(CM)/Planned Development Project (Commercial Marine) with a specific use for Boat Rentals. The PDP process allows for the petitioner to request specific uses from the Commercial Marine district and allows the Board of County

Commissioners (BOCC) to limit the uses within that district to specific uses.

FINDING OF FACTS

A rezoning from R-1B (Residential) to PDP(CM)/Planned Development Project (Commercial Marine) with a specific CM-1 use for Boat Rentals is appropriate based on the following:

1. The request for PDP(CM)/Planned Development Project (Commercial Marine) with a specific CM-1 use for Boat Rentals is compatible with land uses abutting Cortez Boulevard and the Specialty Commercial Strategies of the Comprehensive Plan.

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 Concurrence. 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 R-1B (Residential) to PDP(CM)/Planned Development Project (Commercial Marine) with a specific CM-1 use for Boat Rentals with the following 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. The petitioner shall meet the minimum requirements of Florida Friendly Landscaping™ publications.
3. Minimum Building Setbacks:
Front: 75'
Side: 20'
Rear: 35'
4. Any proposed boat docks shall meet the minimum requirements of the Marine Construction Code and the Riverine Protection Ordinance (RPO).
5. The southern 200' of the proposed 0.16 acre portion of the project, shall be dedicated as passive recreational.