

STAFF REPORT

HEARINGS: Planning & Zoning Commission: February 13, 2023
Board of County Commissioners: March 14, 2023

APPLICANT: Josh Hofstede

FILE NUMBER: H-22-42

REQUEST: Rezoning from R-1A (Residential) and R-1C (Residential) to CPDP to include PDP(REC)/ Planned Development Project (Recreational) and PDP(SF)/ Planned Development Project (Single Family) with a specific R-1-MH use in order to allow Tiny Homes with Deviations

GENERAL LOCATION: East side of Mitchell Road, approximately 300' north of Edwards Avenue

PARCEL KEY NUMBERS: 01354947

APPLICANT'S REQUEST:

The applicant is requesting a rezoning from R-1A (Residential) and R-1C (Residential) to CPDP to include PDP(REC)/ Planned Development Project (Recreational) and PDP(SF)/ Planned Development Project (Single Family) with a specific R-1-MH use in order to develop a Tiny Home Community. Additionally, as part of the request, the petitioner is requesting deviations in order to accommodate the unique features of the proposed use. The petitioner's intent is to develop a mixed-use tiny home development on the 2.0 acre parcel. According to the petitioner, current home values pose a major hurdle for many seeking home ownership or even rentals. The proposed tiny home community will be designed to encourage ownership through a co-op structure.

Tiny Homes are defined as follows:

- The Florida Building Code (Appendix Q) defines Tiny Homes as a dwellings less than 400 square feet excluding lofts
- Temporary structures remaining on wheels are permitted under Department of Motor Vehicles.
- Structures on wheels placed on foundation are governed under Department of Housing and Urban Development.

The proposed tiny home community will consist of eighteen (18) tiny home units, twelve (12) will be full time units (labeled house on master plan) and six (6) will operate as short term nightly/weekly units (labeled cabins on the master plan). Each unit will be no larger than 500 square feet and will be designed either on wheels or in a pre-manufactured style which would be brought on site and be placed on a 20'

x 20' RV pad. The property will provide a 2,000 square foot common space building with outdoor pavilion, laundry, bathroom with showers, common dining space, nature trail and common parking areas.

Staff has chosen the CPDP to include PDP(REC)/ Planned Development Project (Recreational) and PDP(SF)/ Planned Development Project (Single Family) with a specific R-1-MH, in order to provide the most flexibility in accommodating the Tiny Home Community Concept. A planned-development project allows the applicant of a project the flexibility, with governing body approval, to alter the standard requirements of the county. Each of the proposed districts provide elements that, through the PDP/Planned Development Project process, would allow for deviations and therefore create an exclusive district for the Tiny Homes. The proposed districts would allow for smaller units, larger perimeter buffers, short term stays, higher per acre densities and accessory structures (clubhouses, bathhouses, etc.)

The petitioner is requesting the following deviations from the requested zoning districts:

R-C Recreation-Commercial District

- Deviation from the requirement for occupancy not to exceed one hundred eighty (180) days. Eighteen (18) of the tiny home units will be full time residences.
- Lot Size: 20'x20'; 400 square feet (deviation from 40'x40'; 2,800 square feet)
- Minimum Development Area: 2.0 acres (deviation from 10 acres)

R-1-MH Residential Single-Family Manufactured Housing

- Minimum Development Area: 2.0 acres (deviation from 20 acres)
- Lot Size: 20'x20'; 400 square feet (deviation from 50'x100'; 5,000 square feet)
- Deviation from the requirement that no unit be less than twelve (12) feet in body width on its single chassis. The average Tiny Home width is 8.5'.

SITE CHARACTERISTICS:

Site Size: 2.0 acres

Surrounding Zoning & Land Uses:

North: R-1C; Undeveloped
South: R-1C; Undeveloped
East: PDP(SF),(MF); Railroad, Undeveloped
West: R-1C; Single Family, Undeveloped

Current Zoning: R-1A (Residential) and R-1C (Residential)

Future Land Use Map Designation:

Residential

ENVIRONMENTAL REVIEW:

- Soil Type:** Flemington Fine Sand Loam
- Hydrologic Features:** There are no hydrologic features (sinkholes, karst sensitive areas, or wetlands) present on this parcel.
- Protection Features:** There are no Protection Features (Special Protection Areas (SPAs) or Wellhead Protection Areas (Wellhead Protection Area (WHPA)) on this site.
- Habitat:** Forested, shown as mixed hardwood-coniferous 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).
- Comments:** A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional and submitted before the site is disturbed. The petitioner is required to comply with all applicable FWC regulations and permitting.
- Invasive plant species if present are to be removed during the development process.
- Flood Zone:** AE

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has indicated the subject site is located within the City of Brooksville Utility Department’s (CBUD) first right to serve district. The petitioner shall be required to coordinate with the City of Brooksville for all utility related requirements.

ENGINEERING REVIEW:

The subject site is located on the east side of Mitchell Road, approximately 300’ north of Edwards Avenue. The petitioner is proposing 18 tiny homes on RV-sized pads with two access points to Mitchell Road. The County Engineering Department has reviewed the rezoning and indicated the following:

- The entire property is within the 1% annual chance floodplain. Development within the floodplain requires specific permitting and mitigation. A certification of “No net rise “will be required.
- The proposed intensity of development precludes mitigation on site.
- All roads within this project will meet Hernando County standards.

- The Driveways and Parking Layout will need to meet County standards.

LAND USE REVIEW:

There are various definitions of what constitutes a tiny home. Generally speaking, a tiny home is between 100-400 square feet and a small house is between 400-1400 square feet. The Urban Land Institute (ULI) defines a small house as being under 1,400 square feet. As stated above, a Tiny Home will be reviewed differently from a municipal/building code perspective. A tiny home on wheels (THOW) is evaluated very differently than a tiny house affixed to a permanent foundation. Those affixed to a permanent foundation and constructed to Florida Building Code Standards are allowed through the same permitting process required of a standard size dwelling. Whereas a tiny home on wheels, is classified as a 'trailer', and does not fall under the Florida Building Code and is often not permitted through zoning.

Florida Statue 320 – Definitions and General Descriptions

Park Trailer

A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions.

Mobile Home

A structure, transportable in one or more sections, which is 8 body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. For tax purposes, the length of a mobile home is the distance from the exterior of the wall nearest to the drawbar and coupling mechanism to the exterior of the wall at the opposite end of the home where such walls enclose living or other interior space. Such distance includes expandable rooms, but excludes bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments that do not enclose interior space. In the event that the mobile homeowner has no proof of the length of the drawbar, coupling, or hitch, then the tax collector may in his or her discretion either inspect the home to determine the actual length or may assume 4 feet to be the length of the drawbar, coupling, or hitch.

Manufactured Home

A mobile home fabricated on or after June 15, 1976, in an offsite manufacturing

facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.

Setbacks and Lot Sizes

Minimum Building Setbacks:

- Front: 20'
- Side: 15'
- Rear: 8'
- Lot Size: 20'x20'; 400 square feet
(deviation from 40'x40'; 2,800 square feet)

R-C Recreation-Commercial District

County LDR requirements indicate that no occupancy shall exceed 180 days and no permanent units shall be permitted within the R-C/Recreation district.

Comments: The petitioner is proposing six (6) of the units as rental units, exclusively for short term nightly/weekly rentals. The remaining twelve (12) units will be full time residents. Additionally, the development will provide a clubhouse, bathhouse and a mangers quarter.

R-1-MH Residential Single-Family Manufactured Housing

Maximum Building Size

Modular-manufactured housing units shall have a maximum living area not to exceed six hundred (600) square feet and that is titled pursuant to chapter 320 of the Florida Statutes (mentioned herein).

Density

The R-1-MH Residential Single-Family Manufactured Housing District limits overall density to 8.7 units per gross acre.

Comments: The petitioner is proposing sixteen (16) units (8.0 du/ac)

Maximum living area

The maximum living area shall not exceed six hundred (600) square feet on a single unit chassis. No unit less than twelve (12) feet in body width on its single chassis shall be permitted.

Comments: The petitioner is requesting a deviation from minimum body width requirement of 12 feet in order to development Tiny Homes that may average a width of 8.5 feet.

Minimum Development Area

According to County LDRs, the minimum development area in the recreational commercial districts is Ten (10) acres.

Comments: The petitioner is requesting a deviation from the minimum required 10 acres to 2.0 acres.

Tiny Home Standards

Buffers

County LDRs require that all R-C and R-1-MH districts have a boundary landscape buffer of twenty five (25) feet (where applicable to be left in its natural state space).

Comments: The petitioner has indicated they will be providing a perimeter buffer; however, no specific perimeter buffer width has been provided. If approved, the petitioner shall meet the minimum buffer requirements of the R-C District. Buffer shall consist of nature vegetation and supplemented where necessary.

Open Space

Tiny Home Communities shall provide a minimum of 30% open space to be owned and maintained by HOA or Property Management Association.

Comments: The petitioner has indicated leaving the subject site in as much of its nature state as possible. The required open space for the subject site would total 0.60 acres.

Parking

County LDRs require a minimum of 2.0 parking spaces per unit. The petitioner has indicated the proposed project will provide common parking spaces, similar to a traditional multifamily.

Comments: If approved, Tiny Home Parking must meet the minimum parking requirements of the Residential zoning district. Additionally, alternative paving methods maybe considered with Zoning Official approval.

COMPREHENSIVE PLAN REVIEW:

The area is characterized by a variety of land sizes and R-1C (Single Family Homes) and R-1A (Single Family Home or Mobile) zonings. The subject site is located within the Residential Land Use designation on the County's adopted Comprehensive Plan.

Future Land Use Element

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(2):

Zoning changes should be compatible with surrounding development and minimize impact to natural resources. Impacts may be mitigated through design of building placement, buffers, noise reduction, setbacks and other appropriate planning techniques or performance measures.

Strategy 1.10B(3):

Protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the surrounding residential area.

Comments:

Appropriate considerations have been taken to ensure a Tiny Home Community fits into its surrounding area. These consideration include, buffers, open space, density, etc.

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.

Strategy 1.04B(2):

Future residential development will be planned to locate where the Residential Category predominates on the Future Land Use Map as determined by the availability of facilities and services, the need to accommodate future growth, the strategies to discourage the proliferation of urban sprawl, and the impacts to natural resources, including groundwater.

Comments:

The subject property is located within a residential land use category. The density proposed is 8.0 dwelling/acre, which is consistent with the requested zoning district of R-1-MH that allows up to 8.7 du/ac and with the strategies herein.

Mobile Homes and Recreational Vehicles

Strategy 1.04B(8): Mobile homes are recognized as an affordable housing choice in the Residential Category, providing for compatibility with surrounding land uses and served at the site by appropriate infrastructure and services in accordance with Residential Category standards. Direct access to an arterial or major collector roadway is required to facilitate emergency evacuation.

Strategy 1.04B(9): New zoning for mobile homes shall not be permitted in the Coastal Zone as defined in the Coastal Management Element of this Plan.

Strategy 1.04B(10): Recreational vehicle parks are appropriate in the Residential, Commercial and Rural Future Land Use Categories and should be directed to areas containing tourist attractions or natural resources. Recreational vehicle parks shall have access to arterial or collector roads.

Comments: For the sake of these strategies, Tiny Homes are considered modular-manufactured housing units. The proposed use is located in the Residential Land Use designation and its proposed concept is intended to utilize nature resources by ensuring buffers, open space and nature trails are provided. Additionally, the subject site is approximately 1,000' south of the SR 50 bypass, allowing for ease of access in an emergency situation.

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 Hernando County Code of Ordinances has established the Planned Development Project (PDP) district whereby permits flexibility for special or unique uses by allowing deviations from the code through governing body approval. The code as it currently exists makes some provisions for the Tiny Home use, however multiple zoning districts and deviations are requested in order to mitigate any impacts and ensure compatibility with the surrounding area.

Housing Provision [F.S. 163.3177(6)(f)1 and 3]

Objective 4.01A: Hernando County shall encourage the provision of adequate and affordable housing opportunities to accommodate the expected population.

Strategy 4.01A(1): Designate residential areas on the Future Land Use Map sufficient to support the projected population growth, and to provide a housing supply that allows for operation of the real estate market. Provide a variety of housing types and markets to choose from.

Strategy 4.01A(2): Provide within the Residential Category on the Future Land Use Map, a range of densities, lot sizes, setbacks, and a variety of housing types in locations convenient to the needs of various segments of the population.

Strategy 4.01A(3): Provide within the Residential Category on the Future Land Use Map suitable areas for mobile homes and manufactured homes.

Comments: A Tiny Home Community/Pocket Development is a form of infill development within existing communities that tackle affordability, by creating opportunities for more housing types. However, the location of a Tiny Home Community outside of existing infrastructure would decrease affordability due to lack of access to public transportation and distance to services and other amenities. While Tiny Home Communities can be drivers of regional development, if the goal is affordability for its occupants, consideration of location, ability to service the site and access to community services should be taken into consideration.

FINDINGS OF FACT:

A rezoning from R-1A (Residential) and R-1C (Residential) to CPDP to include PDP(REC)/ Planned Development Project (Recreational) and PDP(SF)/ Planned

Development Project (Single Family) with a specific R-1-MH use in order to allow Tiny Homes with Deviations is appropriate based on the following:

1. The proposed deviations are justified in order to meet the special and unique concept of a tiny home community
2. Full time residences and rentals should be provided in separate pods in order to provide easier enforceability of the PDP(REC) maximum stay requirement.
3. the proposed master plan is consistent with the Comprehensive Plan and is compatible with the surrounding area.

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 RECOMMENDATIONS:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a Resolution approving the petitioner's request to Rezoning from R-1A (Residential) and R-1C (Residential) to CPDP to include PDP(REC)/ Planned Development Project (Recreational) and PDP(SF)/ Planned Development Project (Single Family) with a specific R-1-MH use in order to allow Tiny Homes with Deviations and 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. A wildlife survey shall be prepared by a qualified professional at the time of conditional plat approval. The petitioner is required to comply with all applicable FWC regulations.
3. The petitioner shall negotiate a water and sewer agreement with the City of Brooksville and to public utilities as required by the City.

4. Minimum Building Setbacks:
 - Front: 20'
 - Side: 15'
 - Rear: 8'
 - Lot Size: 20'x20'; 400 square feet
(Deviation from 40'x40'; 2,800 square feet)
5. A minimum 25' landscape buffer shall be provided along the entire boundary and shall be supplemented where necessary to achieve 80% opacity.
6. The petitioner shall organize the proposed units into pods. The six (6) units proposed for short term nightly/weekly units shall not exceed 180 days of stay. The remaining homes shall be considered full time residents.
7. The Tiny Home Community shall provide a minimum of 30% open space.
8. No pop-up campers or tents shall be permitted.
9. Alternative paving methods shall be reviewed/approved by the Zoning Official.
10. A Tiny Home shall not exceed 600 square feet.
11. Tiny Home widths shall be a minimum of 8.5' (Deviation from 12').
12. The development size shall be permitted at a minimum of 2.0 acres (Deviation from 10.0 acres)
13. 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 February 13, 2023, the Planning and Zoning Commission voted 5-0 to postpone the petitioner's request to a future hearing date, pending the direction from the Board of County Commissioners on tiny home communities in Hernando County. The Planning and Zoning Commission identified the following concerns with the application:

1. Minimum structure size;
2. Minimum structure width;
3. Structure and perimeter setbacks;
4. Open space;
5. Ownership and maintenance of tiny home communities; and
6. Impacts to public facilities, namely utilities and schools.

The petitioner shall be responsible for all re-advertising fees for the subject application.