

REZONING CASE H-24-18

STAFF REPORT

RECOMMENDATIONS/ACTIONS

STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION JULY 3, 2024

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 R-1A (Residential) listed in **Appendix A** of this Staff Report.

PLANNING & ZONING COMMISSION July 8, 2024

The July 8, 2024, Planning and Zoning hearing was canceled due to a lack of a quorum. Details listed in **Appendix B** of this Staff Report.

PLANNING & ZONING COMMISSION July 22, 2024

On July 22, 2024, the Planning and Zoning Commission voted 3-2 denying the petitioners request for a rezoning from R-1C (Residential) to R-1A (Residential). Details listed in **Appendix C** of this Staff Report.

INTRODUCTORY INFORMATION

HEARINGS: Planning & Zoning Commission: July 8, 2024
Board of County Commissioners: August 27, 2024

APPLICANT: AT+G Growth & Investments

FILE NUMBER: H-24-18

REQUEST: Rezoning from R-1C (Residential) to R-1A (Residential)

GENERAL LOCATION: Southwest corner of Roosevelt Street and Hviezdslav Street

PARCEL KEY NUMBER: 1284595

APPLICANT'S REQUEST

The petitioner is requesting a rezoning of their 1.25 acre parcel (four parcels combined) from R-1C (Residential) to R-1A(Residential) in order to have the option to place a mobile home on the property. The petitioner has indicated there is an old home on the property that will be demolished, making way for the new mobile home. The Masaryktown area, platted in 1925, has several existing legal nonconforming mobiles within the R-1B (Residential).

SITE CHARACTERISTICS:

Site Size: 1.25 acres

Surrounding Zoning & Land Uses:

North:	C2; Commercial
South:	R-1B; Mobile and Single Family Homes
East:	R-1B; Mobile and Single Family Homes
West:	R-1B; Single Family Homes

Current Zoning: R-1B (Residential)

Future Land Use Map Designation: Residential

UTILITIES REVIEW

Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. Water and sewer service are not available to this parcel. HCUD has no objection to the requested zoning change.

ENGINEERING REVIEW:

The subject property is located at the southern terminus of Nancy Creek Boulevard and has an existing home and driveway. The County Engineer has reviewed the petitioners request and indicated the following

- A paved driveway apron connection is required.
- The petitioner shall obtain a Right of Way Use permit to install driveway apron.
- No driveway access to shall be permitted to Hviezdoslav Street.

LAND USE REVIEW:

Minimum R-1A (Residential) Building Setbacks:

- Front: 25'
- Side: 10'
- Rear: 20'

Comments: The R-1A (Residential) zoning district permits single family and mobile homes as the principal structure

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.

COMPREHENSIVE PLAN REVIEW:

The subject is located within the Residential Land Use designation on the County's adopted Comprehensive Plan. The petitioner's parcel is located in a predominately R-1B (Residential) area in Masaryktown. Due to the age of the Masaryktown plat (1925), mobile homes have been placed intermediately throughout the neighborhood and are considered legal nonconforming uses. Per County Ordinance, in the event the existing mobile home is removed due to upgrade, structural concerns, etc, the property owner would have up to one (1) year to replace the mobile home or risk forfeiting their legal nonconforming use; at which time, they would be required to construct a single family home under the provision of the existing zoning. The petitioners' current request would allow for the option of a single family or mobile home. At this time, they have chosen to place a mobile home on the subject site.

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.

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.

FINDINGS OF FACT:

A rezoning from R-1B (Residential) to R-1A (Residential) is appropriate based on consistency with the County's adopted Comprehensive Plan and the development patterns within the Masaryktown Subdivision.

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.

APPENDIX A
STAFF RECOMMENDATION TO PLANNING AND ZONING
COMMISSION

APPENDIX A – STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION:

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 R-1A (Residential).

**APPENDIX B
PLANNING AND ZONING COMMISSION
ACTION**

APPENDIX B –PLANNING & ZONING COMMISSION ACTION:

On July 8, 2024, the Planning and Zoning hearing was canceled due to a lack of a quorum. According to state statute, at least three (3) voting members are required in order to conduct a meeting. The hearing will be rescheduled for a future date as a Special Hearing.

APPENDIX C
PLANNING AND ZONING COMMISSION
ACTION

APPENDIX C –PLANNING & ZONING COMMISSION ACTION:

On July 22, 2022, the Planning and Zoning Commission voted 3-2 to recommend the Board of County Commissioners adopt a resolution denying the petitioner’s request for a rezoning from R-1C (Residential) and R-1A (Residential)