

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: November 4, 2024  
Board of County Commissioners: December 17, 2024  
Planning & Zoning Commission: December 9, 2024  
Board of County Commissioners: January 28, 2024  
Board of County Commissioners: March 25, 2025

**APPLICANT:** NVR, Inc., Barbara Zellmer, Regional Land Entitlement Manager

**FILE NUMBER:** H-24-53

**REQUEST:** Rezoning from CPDP (Combined Planning Development Project) with GC (General Commercial) and SF (Single-family) uses, and CPDP (Combined Planning Development Project) with OP (Office Professional) and Congregate Care Facility uses, to PDP(MF)/ Planned Development Project (Multifamily).

**GENERAL LOCATION:** South side of Cortez Boulevard (SR 50) at its intersection with Oxley Road, reaching Emerson Road approximately 940' south of its intersection with Cortez Boulevard (SR 50)

**PARCEL KEY NUMBER(S):** 420556, 1580541, 739730, 1411163, 1411154, 739749, 476407

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### APPLICANT'S REQUEST

The petitioner is requesting a rezoning of the subject property from CPDP (Combined Planning Development Project) H-05-35, which has GC (General Commercial), and SF (Single-family) uses, and CPDP (Combined Planning Development Project) H-08-06, which has OP (Office Professional) and Congregate Care Facility uses, to PDP(MF)/ Planned Development Project (Multifamily). The petitioner proposes a 245 unit townhome community with no building containing more than twelve (12) dwelling units per building. The development is configured to preserve the stream/wetland that runs through the middle of the property.

The overall density of the project is 5.7 dwelling units per acre. Guest parking is included in the parking calculations for the development at one (1) space per four (4) townhomes. Sixty-one (61) guest parking spaces are shown, on the master plan, throughout the subdivision.

### Requested Deviations

1. A twenty-five (25) foot reduction in the perimeter setback from Cortez Boulevard (SR 50), changing it from 125' to 75'. (*Appendix A, Article VIII, Section 1(B)*)
2. Reduction in lot size from 4,500 square feet (required in the R-3 zone for multifamily buildings with 6 units) to 2,640 square feet. (*Article IV, Section 2(G)(4)(a)*)
3. A five (5) foot reduction in the individual lot front setback from 25' to 20' (*Article IV, Section 2(G)(4)(c)*)

~~4. A five (5) foot reduction in the side yard setbacks changing them from ten (10) feet to five (5) feet. This deviation is discussed in this report as the "Building Separation" requirement due to the townhome dwelling unit type.  
(Article IV, Section 2(G)(4)(d))~~

## SITE CHARACTERISTICS

**Site Size:** 40.18 acres

**Surrounding Zoning;**

**Land Uses:** North: PDP(GHC) H-88-109 and Cortez Boulevard (SR 50);  
Undeveloped  
South: AG with a Special Exception & AR; Moton elementary  
School & Single-family home  
East: AG; Undeveloped  
West: AR, CPDP; Single-family houses, & undeveloped

**Current Zoning:** CPDP (Combined Planning Development Project) H-08-06 and  
CPDP (Combined Planning Development Project) H-05-35

**Future Land Use**

**Map Designation:** Residential and Commercial

## ENVIRONMENTAL REVIEW

**Soils:** Blichton Loamy Fine Sane and Flemington Fine Sandy Loam.

**Protection Features:** There are neither Protection Features (Wellhead Protection Areas (WHPA) nor Special Protection Areas (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.

**Comments:** The petitioner shows a wetland flowing through the middle of the project. This wetland is not identified in the Comprehensive Plan; however, habitats sometimes change faster than Plans can be updated. Staff recommend establishing a jurisdictional wetland line on the property, if the area is determined to be a wetland. This line shall be included in all plans and drawings for this project.

The wetland on the property, as identified by the petitioner, is not listed in the Hernando County Comprehensive Plan. The petitioner shall have the wetlands delineated and a jurisdictional wetland line established that shall be shown on all further plans and drawings. A buffer of 25' shall be established adjacent to the wetlands.

**Habitat:** The subject property is designated 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).
<b>Comments:</b>	<p>This property has the potential to have the Red-cockaded Woodpecker, the Florida Black Bear, the Swallow-tail Kite, Gopher Tortoises, and the Cooper's Hawk. Invasive plant species, if present, are to be removed during the development process.</p> <p>A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional and submitted as part of the conditional plat application stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.</p>
<b>Water Quality:</b>	The proposed development is within the Chassahowitzka River Basin Management Action Plan and subject to a nutrient Total Maximum Daily Load (TMDL) for nitrate. It is also within the Chassahowitzka Outstanding Florida Spring Group (OFS).
<b>Comments:</b>	<p>The proposed development must maintain a 15' buffer around all water bodies where fertilizers are not used in order to prevent contamination. The builder is required to provide information on Florida Friendly Landscaping™ techniques and proper fertilizer use to the homeowners. These materials are designed to address and help reduce nutrient pollution. These educational materials are available through the Hernando County Utilities Department (HCUD).</p> <p>The implementation of Florida Friendly Landscaping™ principles, techniques, and materials designed to conserve water and reduce pollutant loading to Florida's waters for this property is required. This will be addressed during the permitting phase of development.</p>
<b>Flood Zone:</b>	The subject property is in flood zones X, A and AE.
<b>Archaeology:</b>	This property has a potential of containing archaeological sites according to previous surveys.
<b>Comments:</b>	An archaeological survey shall be performed by a qualified professional prior to development. If evidence of archaeological sites are present, the petitioner shall be required to adhere to the State regulations regarding archaeological sites and development.

## UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) reviewed the petitioner's application and provided the following comment: These parcels are located within the City of Brooksville Utility Department's (CBUD) first right to serve district; contact CBUD for any utility related comments.

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**ENGINEERING REVIEW**

The County Engineer reviewed the petitioner's request and provided the following comments: The property is in the Bystre Lake Watershed with areas of A and AE flood Zones at Elevation 99.6. Oxley Road is a minor rural residential road, with no markings, that is unable to handle the traffic volumes that will be generated by the development occurring on this road.

- A Traffic Access Analysis has been received and is currently under review. Any improvements identified will be the responsibility of the developer to install.
- To make Oxley Road functional for new development, it is required to be paved according to County standards from Cortez Boulevard (SR 50) to the entrance of the development.
- All roadways and driveways shall meet Hernando County standards.
- Driveway locations must be in coordination with another project located at West side of Oxley Rd. & South side of Cortez Blvd. (Cone & Graham, key numbers: 357508, 357946, rezoning case H-24-22)
- Sidewalks shall be installed throughout this development.
- FDOT access management and drainage permits are required.
- The petitioner shall coordinate with the Engineering Department to provide a transit stop with amenities.

**LAND USE REVIEW**

The petitioner requests to rezone the property to PDP(MF)/Planned Development Project (Multifamily). Previous zoning cases have approved multifamily uses for this property. It is located just south of Brooksville in an area that is appropriate for higher density due to its proximity to the City and Cortez Boulevard (SR 50).

**Minimum Perimeter Setbacks for Multifamily PDP**

Article VIII, Section 1 of Appendix A states the perimeter setbacks for residential uses approved within the PDP (see below).

- North (abutting a State Road): 125'
- South (rear): 20'
- East (side): 10'
- West (side): 10'

Deviation 1: A twenty-five (25) foot reduction in the perimeter setback from Cortez Boulevard (SR 50), changing it from 125' to 75'. (*Appendix A, Article VIII, Section 1(B)*)

**Comments:** The petitioner requests this reduction in the setback against Cortez Boulevard (SR 50) because this is a townhome development with an FDOT drainage retention area being the only other property owner on Cortez Boulevard (SR 50) between Oxley Road and Emerson Road. There is no need for a frontage road because there are not going to be several entry points along Cortez Boulevard (SR 50), all homes will be accessed internally and no new access points on Cortez are

proposed. Staff recommend approval of this deviation request. The new perimeter building setbacks for the project would be:

- North: 75' (Deviation from 125')
- South: 45'
- East: 35' (the petitioner proposes this setback against Emerson Road)
- West: 45' (the petitioner proposes this setback against Oxley Road)

### Lot Size and Setbacks

The R-3 (Residential-3) zone, which is the zoning district related to the PDP(MF), states the minimum lot area for multifamily dwellings containing three (3) or more dwelling units, shall be twelve thousand (12,000) square feet plus three thousand (3,000) square feet for each additional dwelling unit over the first two (2) dwelling units (*Article IV, Section 2(G)(4)(iii)*). For a four (4) unit building, the minimum size for the lot is 18,000 square feet. This provides a 4,500 square foot lot minimum for each dwelling unit. For a six (6) unit building, the minimum lot size is 24,000 square feet, providing a 4,000 square foot lot minimum for each dwelling unit.

The petitioner requests a reduction in the minimum lot size from 4,000 square feet per dwelling unit to 2,640 square feet per dwelling unit. It has become common for petitioners to request a reduced lot size for townhome lots. This may be requested for a host of reasons, such as an increase in profit or to place more of the development's property into common ownership for preservation or for the provision of amenities.

Lot setbacks for the R-3 zone are:

- Front: 25'
- Rear: 15'
- Building Separation: 20' (side yard setback is 10')

Building separation is used instead of side yard setbacks for townhomes since the "side" is different for exterior and interior dwelling units. The term "Townhome" designates that there are connected walls that require a 0' setback; as a result, a deviation for the interior lot setback for attached dwelling units is not necessary.

Deviation 2: Reduction in lot size from 4,500 square feet (required in the R-3 zone for multifamily buildings with 6 units) to 2,640 square feet. (*Article IV, Section 2(G)(4)(a)*)

Deviation 3: The petitioner requests a 5' deviation in the front yard setback, changing it from 25' to 20'.

~~Deviation 4: The A five (5) foot reduction in the side yard setbacks changing the building separation from 20' to 10'. This deviation is discussed in this report as the "Building Separation" requirement due to the townhome dwelling unit type.~~

~~This is a five (5) foot deviation because a ten (10) foot side yard setback would produce a twenty (20) foot building separation distance since each building must~~

~~be at least ten (10) feet from the property line. If the side yard setback is reduced to five (5) feet, each building must be five feet from the property line, creating a building separation of ten (10) feet.~~

**Comments:** Staff recommend approval of deviations 2 and 3. The petitioner offers buffers that are larger than the minimum requirement. Staff feel it is an appropriate compromise, larger buffers for reduced lot size and setbacks. The topography of the property and the desire to preserve as many specimen and majestic trees as well as the wetlands that run through the property are a few of the reasons the petitioner is requesting the reduction in lot size and setbacks.

Consistent with the Board direction of no side yard setbacks under 7.5', with regards to deviation 4, staff recommend a 2.5' deviation in the side yard setback making the side yard setback 7.5' and reducing the building separation from twenty (20) feet to fifteen (15) feet. The petitioner has stated that they want to preserve as many specimen and majestic trees as possible using with targeted and limited land grading. The preservation of any existing specimen and majestic trees is no longer a standard practice within Hernando County. Amid the clear-cutting and mass graded properties that have become severe nuisances to adjacent property owners, staff believe targeted grading and land clearing resulting in the preservation of valuable community assets (specimen and majestic trees), in exchange for the reduction to the front and side yard setbacks and reduced lot size, is acceptable. Staff encourage the Board to consider the requested five (5) foot reduction in the side yard setbacks.

If approved, the individual lot setbacks and lot size would be:

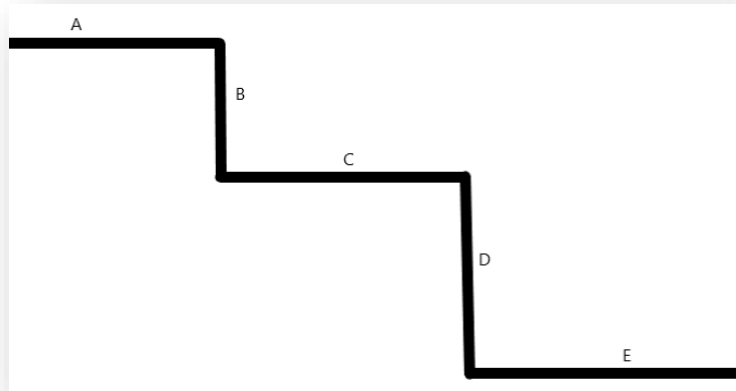
- Front: 20'
- Rear: 15'
- Building Separation: 10'
- Minimum lot size: 2,640 square feet

## Buffers

A buffer shall be required between a Planned Development Project land use which is multifamily or non-residential and a land use, external to the PDP, which is residential, agricultural-residential or agricultural. The buffer shall consist of a minimum five-foot landscaped separation distance. The multifamily or nonresidential use located on such lot shall be permanently screened from the adjoining and contiguous properties by a wall, fence, and/or approved enclosures. Such screening shall have a minimum height of five (5) [feet] and a maximum height of eight (8) feet, or an evergreen hedge with a minimum height of five (5) feet at the time of planting" (*Article VIII, Section 6(C)*).

The petitioner's proposal has buffers widths that exceed the minimum requirements. Due to the property having multiple turns, a graphic is included designating the property lines as A, B, C, D and E. The petitioner proposes the following buffers:

- North (A) (Cortez Boulevard (SR 50)): 45' Landscaped Buffer
- North (C): ~~30'~~ 5' Landscaped Buffer (Against existing FDOT pond)
- North (E): 5' Landscaped Buffer
- South: 15' Landscaped Buffer
- East (Emerson Rd): 35' Landscaped Buffer
- East (B): 15' Landscaped Buffer
- East (D): 5' Landscaped Buffer
- West (Oxley Road): 20' Landscaped Buffer
- Along the wetland: An undisturbed buffer that averages 25' wide, with no portion of the buffer less than 15' wide. Invasive species of vegetation shall be removed. The buffer may be planted with native Florida wetland area plants.



**Comments:** The buffer the petitioner proposes that is only 5' wide, is against the property to the north. This property currently serves as a Florida Department of Transportation (FDOT) drainage retention facility. There are no residents on the property and there is currently no plan in place that staff are aware of, for its development.

### Access

To establish minimum access requirements to single-family and multifamily subdivisions, the Board of County Commissioners adopted a policy requiring two (2) means of access for subdivisions. The policy serves to provide more than one-way in and one-way out for residents of a subdivision, alternate routes for emergency services, interconnection between subdivisions, a shortened drive time for residents to the entrance/exits, and access points for travel direction outside of the development. A minimum of two (2) access points must be provided to serve any new subdivision or development pod with more than 50 units.

~~The petitioner requests that the two (2) access point policy for new subdivisions be waived.~~

**Comments:** ~~The petitioner proposes a single boulevard entrance for each of the sections (east and west). The east section accesses Emerson Road and the west accesses Okley Road. The County Engineer states the location of the access point on Okley Road shall be coordinated with the Planned Development Project that was recently approved on the western side of the road, H-24-22 Cone and Graham, Inc.~~

~~Staff supports the opinion of the County Engineer as to whether he two entrance requirement should be waived. The comments from the County Engineer do not state that a second access point, for either section, is required. Planning staff recommend that the location of access points, and the requirement for a second access point for each side be coordinated with the County Engineer and the Petitioner. This does not negate the required coordination of access points with the new project on the other side of Okley Road.~~

The petitioner proposes two access points for the proposed project. One full access to Oxkley Road and the other to Emerson Road.

### Neighborhood Park

All developments with 50 dwelling units or more shall provide and maintain a neighborhood park system for use by the residents of the subdivision in accordance with the requirements of the LDRs. The proposed project contains more than 50 dwelling units. Neighborhood parks may count towards the minimum open space requirements.

The amount of land provided and maintained as a neighborhood park shall be 1.0 acre for the first 50 dwelling units plus 1/100th of an acre for each dwelling unit over 50 up to 250 dwelling units, for a maximum of 3.0 acres. If approved, the development must meet the minimum neighborhood park requirements as required by the County's LDRs. Individual single-family and multifamily pods that exceed 50 dwelling units must provide a neighborhood park. The approximate location and acreage of the neighborhood park system shall be identified within the project master plan.

**Comments:**

The petitioner states that the project will exceed the required park size of 2.95 acres (128,502 square feet). Staff believes the park location is appropriate to identify in the Conditional Plat, due to the topographic uniqueness of the property. The park should be centrally located to be accessible to both sides of the development. The petitioner has the ability to utilize wetlands as part of the park system, by including it in the Neighborhood Park Plan submitted as part of the construction drawings.

### Natural Vegetation

Projects greater than twenty (20) acres shall designate an area of at least seven percent (7%) of the total project area as preserved natural vegetation and no construction activity can occur in this area. Preserved natural vegetation areas must be a minimum of twenty thousand (20,000) square feet.

**Comments:**

If approved, the petitioner must provide a minimum of seven percent (7%) natural vegetation. Preserved natural vegetation and/or planted native vegetation may be used to meet all or part of the requirement for open space if it is a minimum of fifteen (15) feet in width. The natural vegetation of 2.81 acres (122,517 square feet) shall be designated during the conditional plat phase of development.



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## COMPREHENSIVE PLAN REVIEW

### Future Land Use Map, Residential Category

Strategy 1.04A(3): The Residential Category accommodates residential growth clustered in and around urbanized areas and those areas that maximize the efficient use of infrastructure contained in long-range facilities plans of the County.

### Multifamily Housing

Strategy 1.04B(4): The Residential Category includes zoning for multi-family housing generally averaging 7.5 dwelling units per gross acre up to 22 dwelling units per gross acre in order to provide for a diversity of housing choices. Multifamily housing should be located within, or in close proximity to urban areas shown on the Adjusted Urbanized Area Map, or near shopping and employment centers or within Planned Development Projects.

Strategy 1.04B(6): Multi-family development may be allowed in the Commercial Category pursuant to a Planned Development Project (PDP) Master Plan and related strategies to accommodate infill and/or mixed-use development.

**Comments:** The proposed project is close to the City of Brooksville. The property abuts Cortez Boulevard (SR 50), which is a four (4) to six (6) lane road maintained by FDOT and designated as a major roadway. The subject parcel fits the criteria for allowing

Strategy 1.04B(7): All multifamily developments shall be located such that the integrity of nearby established single family neighborhoods is preserved:

- a. multifamily development may serve as a density transition located on the periphery of single-family neighborhoods and connecting to higher intensity uses;
- b. multifamily developments at a density incompatible with surrounding land uses should not access arterial or collector roadway systems through established single-family neighborhoods

**Comments:** This project area does not direct traffic through, or connect to, any existing neighborhoods. Proposed access to Cortez Boulevard (SR 50) is through Oxley Road and Emerson Road. Any changes needed to roads to accommodate the increased traffic volume will be paid for by the developer.

**Future Land Use Map, Commercial Category**

Strategy 1.04A(6): The Commercial Category provides commercial uses including products and services along major corridors and at roadway intersections to serve residents and visitors on both a localized and regionalized basis. The Commercial Category recognizes existing commercial use corridors along U.S. Highway 19 and State Route 50 and existing and planned commercial nodes at intersections of arterial and/or collector roads. The Commercial Category includes small unmapped existing commercial properties. The Commercial Category also recognizes the ability to designate infill parcels for commercial use lying in proximity to and between, but not necessarily contiguous to, other existing commercially designated properties. Publicly owned lands along the commercial use corridors that are made available for surplus may be considered to have a Commercial designation, if the agency proceeds through the Comprehensive Plan Amendment process to amend the future land use map, in accordance with Section 163.3184, F.S.

Objective 1.04G: The Commercial Category allows primarily retail, office, and commercial service uses with an overall average gross floor area ratio of 0.35 but also includes limited industrial, recreational, and institutional uses. Residential and mixed uses may be allowed subject to locational criteria and performance standards.

**Comments:** This PDP application establishes performance standards that will make this residential development appropriate for the commercial Future Land Use.

**FINDING OF FACTS**

1. This project is adjacent to one of the major roads running through Hernando County and the City of Brooksville.
2. This project has direct and indirect access to Cortez Boulevard (SR 50).
3. This project has close proximity to the City of Brooksville urban area.
4. The proposed density is within the acceptable range of densities for this location.
5. The deviation to the front setback for Cortez Boulevard (SR 50) was approved in a previous rezoning and is a reasonable request.
6. The deviation to the minimum lot size is comparable to other fee-simple townhome developments that have been presented to the County for review and approval.
7. The petitioner request is compatible with the surrounding area and consist with the Comprehensive Plan with appropriate performance conditions.

**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.*

*The applicant, property owner, or developer is responsible for ensuring the performance conditions established herein are provided to all contractors performing work for this project. All applications submitted for development activity on this project are expected to comply with the performance conditions established herein.*

**ORIGINAL STAFF RECOMMENDATION:**

It is recommended that the Planning and Zoning Commission postpone the petitioner's request in order to provide the petitioner and staff with ample time to discuss proposed changes to the originally submitted application. Changes are based on County Departmental comments and the petitioners' desire to change some features of the project due to some of the subject site's environmental conditions.

**P&Z ACTION:**

On November 4, 2024, the Planning and Zoning Commission voted 5-0 to postpone the petitioner's request in order to provide the petitioner with additional time to coordinate with staff revisions to the original request/application.

**REVISED 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 rezoning from CPDP (Combined Planning Development Project) to PDP(MF)/ Planned Development Project (Multifamily) with Deviations and 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. Planning
  - A. Maximum number of Dwelling Units / Lots Allowed: 245
  - B. Allowed Uses in this PDP: Townhomes and associated community amenities
  - C. Lot Information

Lot Type: Townhome

- Minimum Lot Size (square footage): 2,640 sf (Deviation from 4,000 sf)
- Minimum Lot Width at the front setback line: 24'
- Front: 20' (Deviation from 25')
- Rear: 15'
- ~~Minimum Separation between buildings: 10' (deviation in the side yard setbacks from 10' to 5')~~
- Side Setback: 10'
- Maximum Building Coverage: 35% (calculated as square footage of buildings / square footage of residential portion of the project area)
- Maximum Building Height: 45' and/or three (3) stories.
- Lot Coverage: 45%, calculated using the project area, not the individual lot.

\*Corner lots shall have a front yard setback on each road frontage

**D. Neighborhood Park: 2.95 acres (128,502 square feet)**

The petitioner shall provide the minimum neighborhood park acreage as required by the County's Land Development Regulations and ensure that this park is pedestrian-accessible for all residents within the development.

The final location of the park site(s), access and a list of proposed facilities shall be provided for review and approval during the conditional plat process. A neighborhood park(s) site plan, prepared by a registered landscape architect or professional civil engineer, shall be submitted for review and approval in conjunction with the final construction plans for the subdivision. Development of the neighborhood park system shall occur prior to receiving fifty-one (51) percent of the certificates of occupancy for the subdivision (based on complete build-out).

**E. Perimeter Setbacks (including the vegetated buffer) (see figure 1)**

- North (Cortez Boulevard (SR 50)) (A): 75'
- North (C & E): 30'
- South: 45'
- East (Emerson Rd): 35'
- East (B and D): 30'
- West (Oxley Road): 45'

**F. Buffers (see figure 1 for a visual representation of the northeast buffer locations)**

- North (A) (Cortez Boulevard (SR 50)): 45' Landscaped Buffer
- ~~North (C): 30' Landscaped Buffer~~ 5' Landscape Buffer against existing FDOT drainage retention pond
- North (E): 5' Landscaped Buffer
- South: 15' Landscaped Buffer
- East (Emerson Rd): 35' Landscaped Buffer

- East (B): 15' Landscaped Buffer
- East (D): 5' Landscaped Buffer
- West (Oxley Road): 20' Landscaped Buffer

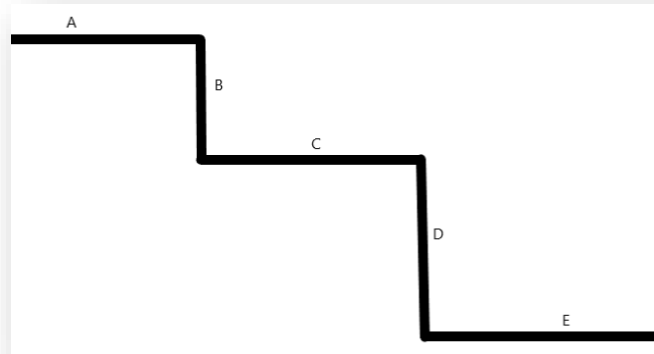


Figure 1: Property Lines of the Northeast portion of the project

- Along the wetland: An undisturbed buffer that averages 25' wide, with no portion of the buffer less than 15' wide. Invasive species of vegetation shall be removed. The buffer may be planted with native Florida wetland area plants. 15' buffer around all water bodies from fertilizers in order to prevent contamination.
  - Buffer fencing: If a fence is used, the greenery shall be installed on the side of the fence that faces the adjacent property at the conclusion of construction.
  - Buffers shall remain undisturbed, with the exception of the removal of invasive species or dead trees. Buffers may not include any stormwater management facilities, utility easements, or drainage retention areas. No land disturbing activities are permitted in the buffers.
- G. Perimeter Buffers and Setbacks shall not be included as a part of individual lots. A distinct lot edge shall be marked on lots to denote that preservation of that area is required.
- H. The petitioner shall provide a treed boulevard entrance.
- I. The townhomes shall provide architectural elements throughout the development ~~and alternating garages~~ in order to avoid architectural monotony. Architectural elements shall include but not be limited to dormers, reliefs, textures and alternating materials.

### 3. Environmental

- A. A **comprehensive floral and faunal (wildlife) survey** shall be prepared by a qualified professional and submitted as part of the Conditional Plat application stage

of development. The petitioner is required to comply with all applicable FWC regulations and permitting. The petitioner shall have the property surveyed and a jurisdictional wetland line established that shall be shown on all further plans and drawings.

**C. Required Open Space: 6.03 acres (262,536 square feet)**

The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's Land Development Regulations. The required natural vegetation may be included as part of the required open space.

Multifamily Development (*Appendix A, Article VIII, Section 1 (H)(1)(e)*) Minimum open space required for multifamily developments containing twelve (12) or more units: A minimum of fifteen (15) percent of the gross site must 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. (MF and R-3 Zones)

\*Required open space and natural vegetation areas may overlap.

**D. Required Natural Vegetation: 2.81 acres (122,517 square feet)**

Preserved natural vegetation and/or planted native vegetation shall be provided per Article II, Section 10-28 (2). The county administrator or designee may grant deviations to this standard if changes in elevation or other conditions preclude meeting this standard.

Projects greater than twenty (20) acres shall designate an area of at least seven percent of the total project area as preserved natural vegetation and no construction activity can occur in this area. Preserved natural vegetation areas must be a minimum of twenty thousand (20,000) square feet.

\*Required open space and natural vegetation areas may overlap.

- E. Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement within 12 months.
- F. Invasive plant species, if present, are to be removed during the development process.
- G. An **archaeological survey** shall be performed by a qualified professional prior to development. If evidence of archaeological sites is present, the petitioner shall adhere to the State regulations regarding archaeological sites and development.
- H. 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.

**4. Engineering**

- A. Any improvements identified by the traffic access analysis shall be the responsibility of the developer to install.
- B. The developer shall pave Oxley Road, from Cortez Boulevard (SR 50) to the entrance to the development, according to County standards.
- C. The roadways and driveways shall meet Hernando County standards.
- D. Driveway locations must be coordinated with another project located at West side of Oxley Rd. & South side of Cortez Blvd. (Cone & Graham, key numbers: 357508, 357946, rezoning case H-24-22).
- E. Sidewalks shall be installed throughout this development.
- F. FDOT access management and drainage permits are required.
- G. The provision of a transit stop shall be coordinated with the Engineering Department at the appropriate time.

**5. Utilities**

These parcels are located within the City of Brooksville Utility Department's (CBUD) first right to serve district; contact CBUD for any utility related comments.

**6. Schools**

The petitioner must apply for and receive a *Finding of School Capacity* from the Hernando County School District (HCSD) prior to the approval of the conditional plat or the functional equivalent. The County will only issue a certificate of concurrency 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.

**7. Construction Buffer**

Article II, Section 10-28 (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 must provide a construction buffer at the perimeter of the construction site boundary. It shall be a natural vegetative buffer a minimum of ten (10) feet in width, provide a minimum of eighty (80) percent opacity, and minimize - airborne erosion to existing adjacent residentially zoned housing units. If natural vegetation is not adequate or available to provide such a buffer, a fence or wall at least six (6) feet in height above grade must be installed within thirty (30) days of clearing and prior to commencement of construction.

If a fence is used it must include mesh or slats to minimize airborne erosion. 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. Retention of a natural vegetative buffer is encouraged. A permanent construction buffer can be used to meet all or part of the requirements for natural vegetation preservation.

8. 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 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.
10. 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.



**PLANNING & ZONING COMMISSION ACTION:**

On December 9, 2024, the Planning and Zoning Commission voted 3-2 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for rezoning from CPDP (Combined Planning Development Project) to PDP(MF)/ Planned Development Project (Multifamily) with Deviations and the following 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. Maximum number of Dwelling Units / Lots Allowed: 245
- B. Allowed Uses in this PDP: Townhomes and associated community amenities
- C. Lot Information

Lot Type: Townhome

- Minimum Lot Size (square footage): 2,640 sf (Deviation from 4,000 sf)
- Minimum Lot Width at the front setback line: 24'
- Front: 20' (Deviation from 25')
- Rear: 15'
- ~~○ Minimum Separation between buildings: 10' (deviation in the side yard setbacks from 10' to 5')~~
- Side Setback: 10'
- Maximum Building Coverage: 35% (calculated as square footage of buildings / square footage of residential portion of the project area)
- Maximum Building Height: 45' and/or three (3) stories.
- Lot Coverage: 45%, calculated using the project area, not the individual lot.

\*Corner lots shall have a front yard setback on each road frontage

- D. **Neighborhood Park: 2.95 acres (128,502 square feet)**

The petitioner shall provide the minimum neighborhood park acreage as required by the County's Land Development Regulations and ensure that this park is pedestrian-accessible for all residents within the development.

The final location of the park site(s), access and a list of proposed facilities shall be provided for review and approval during the conditional plat process. A neighborhood park(s) site plan, prepared by a registered landscape architect or professional civil engineer, shall be submitted for review and approval in conjunction with the final construction plans for the subdivision. Development of the neighborhood park

system shall occur prior to receiving fifty-one (51) percent of the certificates of occupancy for the subdivision (based on complete build-out).

E. Perimeter Setbacks (including the vegetated buffer) (see figure 1)

- North (Cortez Boulevard (SR 50)) (A): 75'
- North (C & E): 30'
- South: 45'
- East (Emerson Rd): 35'
- East (B and D) 30'
- West (Oxley Road): 45'

F. Buffers (see figure 1 for a visual representation of the northeast buffer locations)

- North (A) (Cortez Boulevard (SR 50)): 45' Landscaped Buffer
- ~~North (C): 30' Landscaped Buffer~~ 5' Landscape Buffer against existing FDOT drainage retention pond
- North (E): 5' Landscaped Buffer
- South: 15' Landscaped Buffer
- East (Emerson Rd): 35' Landscaped Buffer
- East (B): 15' Landscaped Buffer
- East (D): 5' Landscaped Buffer
- West (Oxley Road): 20' Landscaped Buffer

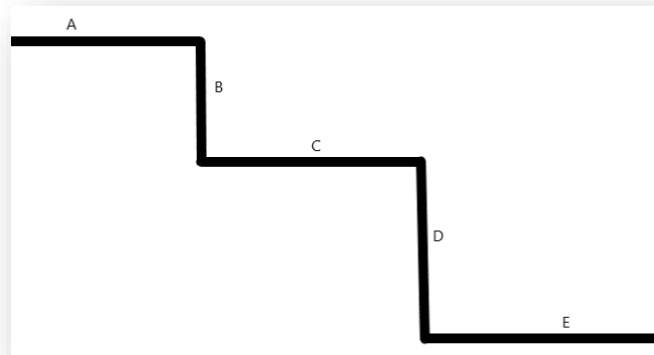


Figure 2: Property Lines of the Northeast portion of the project

- Along the wetland: An undisturbed buffer that averages 25' wide, with no portion of the buffer less than 15' wide. Invasive species of vegetation shall be removed. The buffer may be planted with native Florida wetland area plants. 15' buffer around all water bodies from fertilizers in order to prevent contamination.
- Buffer fencing: If a fence is used, the greenery shall be installed on the side of the fence that faces the adjacent property at the conclusion of construction.

- Buffers shall remain undisturbed, with the exception of the removal of invasive species or dead trees. Buffers may not include any stormwater management facilities, utility easements, or drainage retention areas. No land disturbing activities are permitted in the buffers.
- G. Perimeter Buffers and Setbacks shall not be included as a part of individual lots. A distinct lot edge shall be marked on lots to denote that preservation of that area is required.
- H. The petitioner shall provide a treed boulevard entrance.
- I. The townhomes shall provide architectural elements throughout the development ~~and alternating garages~~ in order to avoid architectural monotony. Architectural elements shall include but not be limited to dormers, reliefs, textures and alternating materials.

### 3. Environmental

- A. A **comprehensive floral and faunal (wildlife) survey** shall be prepared by a qualified professional and submitted as part of the Conditional Plat application stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting. The petitioner shall have the property surveyed and a jurisdictional wetland line established that shall be shown on all further plans and drawings.

B. **Required Open Space: 6.03 acres (262,536 square feet)**

The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's Land Development Regulations. The required natural vegetation may be included as part of the required open space.

Multifamily Development (*Appendix A, Article VIII, Section 1 (H)(1)(e)*) Minimum open space required for multifamily developments containing twelve (12) or more units: A minimum of fifteen (15) percent of the gross site must 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. (MF and R-3 Zones)

\*Required open space and natural vegetation areas may overlap.

C. **Required Natural Vegetation: 2.81 acres (122,517 square feet)**

Preserved natural vegetation and/or planted native vegetation shall be provided per Article II, Section 10-28 (2). The county administrator or designee may grant deviations to this standard if changes in elevation or other conditions preclude meeting this standard.

Projects greater than twenty (20) acres shall designate an area of at least seven percent of the total project area as preserved natural vegetation and no construction activity can occur in this area. Preserved natural vegetation areas must be a minimum of twenty thousand (20,000) square feet.

\*Required open space and natural vegetation areas may overlap.

- D. Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement within 12 months.
- E. Invasive plant species, if present, are to be removed during the development process.
- F. An **archaeological survey** shall be performed by a qualified professional prior to development. If evidence of archaeological sites is present, the petitioner shall adhere to the State regulations regarding archaeological sites and development.
- G. 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.

#### 4. **Engineering**

- A. Any improvements identified by the traffic access analysis shall be the responsibility of the developer to install.
- B. The developer shall pave Oxley Road, from Cortez Boulevard (SR 50) to the entrance to the development, according to County standards.
- C. The roadways and driveways shall meet Hernando County standards.
- D. Driveway locations must be coordinated with another project located at West side of Oxley Rd. & South side of Cortez Blvd. (Cone & Graham, key numbers: 357508, 357946, rezoning case H-24-22).
- E. Sidewalks shall be installed throughout this development.
- F. FDOT access management and drainage permits are required.
- G. The provision of a transit stop shall be coordinated with the Engineering Department at the appropriate time.

#### 5. **Utilities**

These parcels are located within the City of Brooksville Utility Department's (CBUD) first right to serve district; contact CBUD for any utility related comments.

#### 6. **Schools**

The petitioner must apply for and receive a *Finding of School Capacity* from the Hernando County School District (HCSD) prior to the approval of the conditional plat or the functional equivalent. The County will only issue a certificate of concurrency 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.

**7. Construction Buffer**

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10. 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.

**BOCC ACTION:**

On January 28, 2025, the Board of County Commissioners (BOCC) voted to postpone the petitioners request to their March 25, 2025, hearing, in order to provide additional time for the petitioner to review BOCC comments and potential changes to the master plan with County staff.

**NOTE:**

Subsequent to the January 28, 2025, Board of County Commissioners hearing, the petitioner revised the request and has provided a revised master plan and narrative that reflects the following:

1. A reduction in the number of townhouse units from the original 245 units to the proposed 215 units.
2. A related reduction in density from the original 6.1 units/acre to the proposed 5.4 units/acre.
3. An improvement in the type and size of the proposed townhouse unit from the original 24' wide townhouse with a one-car garage to a 28' wide townhouse with a two-car garage. In addition, each townhouse will have a two-car driveway for a total of 4 parking spaces for each townhouse.
4. Deletion of the request for a variance to the State Road 50 setback. The revised Master Plan now meets the 125' setback along State Road 50.
5. Agreement to build a sidewalk on the west side of Emerson Road from the development's Emerson Road entrance to the vehicular driveway entrance to Moton Elementary School.