



# Hernando County Planning & Zoning Commission

## Regular Meeting

### Minutes

February 13, 2023

#### MEETING CALLED TO ORDER

The public meeting was called to order at 9:00 AM on Monday, February 13, 2023, in the John Law Ayers Room, Government Center, Brooksville, Florida. This meeting was advertised in the Hernando Sun newspaper and the agenda packet was available on-line at [www.hernandocounty.us](http://www.hernandocounty.us).

<u>Attendee Name</u>	<u>Title</u>
Jonathan McDonald	Chairman
Kathryn Birren	Regular Member
Nicholas Holmes	Regular Member
Gregory Arflack	Alternate Member
Mike Fulford	Alternate Member
James Lipsey	Ex Officio Non-voting Member (School Board Rep.)
Michelle Miller	Planning Administrator
Omar DePablo	Senior Planner
Scott Herring	Public Works Director/County Engineer
Alan Congdon	Zoning Inspector
Robin Reinhart	Agenda Coordinator

Invocation

Pledge of Allegiance

Poll Commission for Ex Parte Communications

The Commission members indicated they had no ex parte communications concerning the petitions being considered at this meeting.

County Attorney Statement

Assistant County Attorney Kyle Benda provided the standard admonition that the Planning and Zoning Commission decisions were to be based only on the evidence presented in the quasi-judicial proceedings.

Administering of the Oath

#### STAFF ANNOUNCEMENTS

Mrs. Miler advised the Board of Comm. M. Kierzynski resignation.

**APPROVAL/MODIFICATION OF AGENDA (Limited to Staff & Commission**

A motion was made to approve the agenda as written. The motion carried 5-0.

**Motion**

C. APPROVAL/MODIFICATION OF AGENDA (Limited to Staff & Commission

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	Mike Fulford
<b>SECONDER:</b>	Kathryn Birren
<b>AYES:</b>	McDonald, Birren, Fulford, Holmes and Arflack

**ADOPTION OF THE INFORMATION PACKETS INTO EVIDENCE**

The agenda packet that was submitted to the P&Z included written information regarding all cases to be considered which needed to be accepted into evidence for the hearing.

The staff recommended the P&Z accept the agenda packet, including the staff reports, into evidence as if read aloud in their entirety.

**Motion**

D. ADOPTION OF THE INFORMATION PACKETS INTO EVIDENCE

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	Mike Fulford
<b>SECONDER:</b>	Nicholas Holmes
<b>AYES:</b>	McDonald, Birren, Fulford, Holmes and Arflack

**PUBLIC HEARINGS**

**UNIFIED AGENDA**

**CP 1445637 Olancha Subdivision Conditional Plat**

**CP1422384 Oak Hill Villas Conditional Plat**

Com. Holmes wanted to discuss the number of Villas listed on the Agenda.

Alan Garman, representing the petitioner, under oath, discussed the Conditional Plat.

Mrs Miller advised the that the P&Z advised the conditional plat process.

**Motion**

To approve the Unified Agenda

<b>RESULT:</b>	<b>ADOPTED THE CONSENT AGENDA</b>
<b>MOVER:</b>	Mike Fulford
<b>SECONDER:</b>	Kathryn Birren
<b>AYES:</b>	McDonald, Birren, Fulford, Holmes and Arflack
<b>ABSENT:</b>	Hickey and Kierzynski

## STANDARD AGENDA (BOARD SITTING IN ITS QUASI-JUDICIAL CAPACITY)

### H-22-79 - Luis Puerto and Brenda Puerto:

**Master Plan Revision on Property Zoned PDP(NC)/Planned Development Project (Neighborhood Commercial); North side of County Line Road, approximately 670' east of Cobblestone Drive**

Mrs. Miller introduced the petition. Mr DePablo utilized the overhead projector to show the location of the subject parcel.

Willie Twiggs, representing the petitioner, under oath discussed the petition.

No public comment.

Discussion ensued about the pervious development restrictions on the property.

### Motion

A motion was made to recommend the Board of County Commissioners adopt the resolution approving the petitioner's request.

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	Mike Fulford
<b>SECONDER:</b>	Gregory Arflack
<b>AYES:</b>	McDonald, Birren, Fulford, Holmes and Arflack

### H-22-78 - Elizabeth A Richards:

**Rezoning from R-1C (Residential) to AR-2 (Agricultural/Residential-2); South side of Solway Drive at its intersection with Octavia Way.**

Mrs. Miller introduced the petition. Mr DePablo utilized the overhead projector to show location of the subject parcel.

Mrs. Richards, the petitioner, under oath discussed the petition.

No public comment was made.

Board discussion ensued.

**Motion**

A motion was made to recommend the Board of County Commissioners adopt the resolution approving the petitioner's request.

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	Mike Fulford
<b>SECONDER:</b>	Gregory Arflack
<b>AYES:</b>	McDonald, Birren, Fulford, Holmes and Arflack

**H-22-42 - Josh Hofstede:**

**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; East side of Mitchell Road, approximately 300' north of Edwards Avenue**

Mrs. Miller introduced the petition. Mr DePablo utilized the overhead projector to show location of the subject parcel.

Mr. Hofstede, the petitioner, under oath, discussed the petition with the board .

Discussion ensued between the board, the petitioner, and staff .

John Lipsey, School Board representative, asked for information with regards to who maybe living in the development.

Edith Pitman, under oath, spoke against the petition .

Predam Moghaddan, and Justin Noe, under oath, spoke in favor of the petition ..

Assistant County Attorney Mr. Benda, spoke in reference to setting possible future precedence coming in the future .

Mr. Hofstede responded to public comment.

Mrs. Miller proposed the addition of 2 additional performance conditions, in regards to address school board concerns, and the operational needs of the communities .

Discussion ensued with Board members and Mrs Miller.

Staff recommended postponement until after the BOCC had taken formal action tiny home recommendations and community guidelines.

**Motion**

A motion was made to postpone the application to a future hearing date pending the direction from the Board of County Commissioners on tiny homes, with the applicant incurring all re-advertising expenses.

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	Mike Fulford
<b>SECONDER:</b>	Kathryn Birren
<b>AYES:</b>	McDonald, Birren, Fulford, Holmes and Arflack

**RECESS**

A brief recess occurred from 10:42 AM until 10:47AM.

**COMMISSIONERS AND STAFF ISSUES**

There were no issues to discuss.

**Discussion of Governmental of Sunshine Law and Quasi-Judicial Procedures.**

Assistant County Attorney Kyle Benda presented the annual information on Florida's Sunshine Law and Quasi-Judicial Procedures to the board.

**ADJOURNMENT**

The meeting was adjourned at 12:05 P.M.



Planning & Zoning Commission

AGENDA ITEM

Meeting: 02/13/2023
Department: Planning
Prepared By: akidd@co.hernando.fl.us
Initiator: Aaron Pool
DOC ID: 11812
Legal Request Number:
Bid/Contract Number:

TITLE

CP 1445637 Olancha Subdivision Conditional Plat

BRIEF OVERVIEW

Conditional Plat approval for Olancha Subdivision

FINANCIAL IMPACT

No financial impact

LEGAL NOTE

The Planning and Zoning Commission has the authority to review this item in accordance with Chapter 26 (Subdivision Regulations), Article II (procedures for County review and approval), Section 26-21 (procedure for conditional approval of a conditional plat) of the Hernando County Code of Ordinances.

RECOMMENDATION

Olancha Subdivision with performance conditions.

REVIEW PROCESS

Table with 4 columns: Name, Status, Date, Time. Rows include Alaina Kidd, Omar DePablo, Michelle Miller, and Aaron Pool, all with 'Approved' status.

AYES: McDonald, Birren, Fulford, Holmes and Arflack
ABSENT: Hickey and Kierzynski

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: February 13, 2023

**APPLICANT:** Ridge Manor Project LLC

**FILE NUMBER:** 1445637

**PURPOSE:** Conditional Plat Approval for Olancha Road

**GENERAL**

**LOCATION:** North side of Cortez Boulevard, approximately 300' west of Olancha Rd

**PARCEL KEY**

**NUMBER:** 394399

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The conditional plat for the Olancha Subdivision is for two hundred twenty-seven (227) single family residential lots on approximately 80 +/- acres of undeveloped land, located north of and adjacent to Cortez Boulevard, south of and adjacent to Ridge Manor Boulevard and west of and adjacent to Olancha Rd.

The conditional plat has been reviewed by various County agencies and found to be consistent with County standards. A certificate of concurrency has been issued for this conditional plat.

**STAFF RECOMMENDATION:**

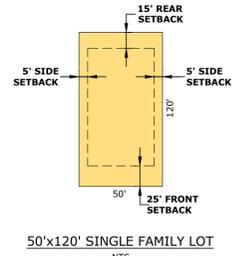
It is recommended that the Planning and Zoning Commission approve the conditional plat of the Olancha Subdivision with the following performance conditions:

1. The conditional plat shall expire in two (2) years if no further approvals in the subdivision process are obtained.
2. The developer must conform to all Hernando County Facility Design Guidelines.
3. The petitioner shall provide a comprehensive listed species survey prepared by a qualified professional to identify any listed species present prior to clearing or development activities. The petitioner is required to comply with all applicable FWC regulations.
4. The petitioner must meet the minimum requirements of Florida-Friendly Landscaping publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials, and plantings for required landscaping.

5. The petitioner shall add a note to the conditional plat that the Special Protection Areas on the site have been eliminated over time due the borrow pit located on site; therefore, the boundaries for the Special Protection Areas shall not be required to be shown on the Conditional Plat. The borrow pit shall be mitigated for during the development process.

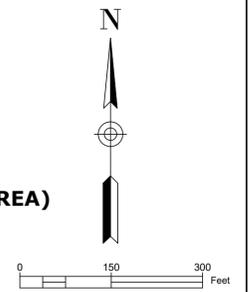
LAND USE TABLE			
LAND USE	ACRES	DWELLING UNITS	DENSITY
RESIDENTIAL	34.76	226	
RECREATIONAL	3.58	(2.76 AC REQUIRED)	
BUFFERS (NATURAL PRESERVE AREA)	5.6	(7% OR 5.6 AC REQUIRED)	
DRAINAGE & ROADS	18.15		
OPEN SPACE	9.21		
COMMERCIAL	8.7		
<b>TOTAL AREA</b>	<b>±80.00</b>	<b>226</b>	<b>APPROX. 2.83 UNITS/ACRE</b>

CURVE TABLE			
CURVE #	RADIUS	CURVE #	RADIUS
C1	50	C9	800
C2	50	C10	1050
C3	1290	C11	1590
C4	50	C12	300
C5	400		
C6	300		
C7	305		
C8	300		



**LEGEND**

- SINGLE FAMILY LOT
- DRAINAGE
- RIGHT-OF-WAY
- BUFFERS (NATURAL PRESERVE AREA)
- RECREATION
- COMMERCIAL



**SITE DATA**

**OWNER/APPLICANT:**  
RIDGE MANOR PROJECT, LLC  
4912 TURNBURY WOOD DR  
TAMPA, FL 33647-2056

**PARCEL KEY NO.:** 00394399

**SECTION/TOWNSHIP/RANGE:** 3/23S/21E

**ZONING:** PDP (SF) & PDP (GC) WITH C-2 USES FOR MINI WAREHOUSES

**AREA:** ± 80 Ac.

**PROPOSED NO. OF LOTS:** 226

**PERIMETER SETBACK AT PROPERTY LINE:**  
FROM RIDGE MANOR BLVD.: 35'  
FROM S.R. 50: 125' (COMMERCIAL) / 75' (RESIDENTIAL)  
FROM OLANCHA RD.: 40'

**INDIVIDUAL LOT BUILDING SETBACKS:**  
FRONT: 25'  
SIDE: 5'  
REAR: 15'

**COMMERCIAL LOT SETBACKS:**  
FRONT (CORTEZ BLVD): 125'  
SIDE: 20'  
REAR: 35'

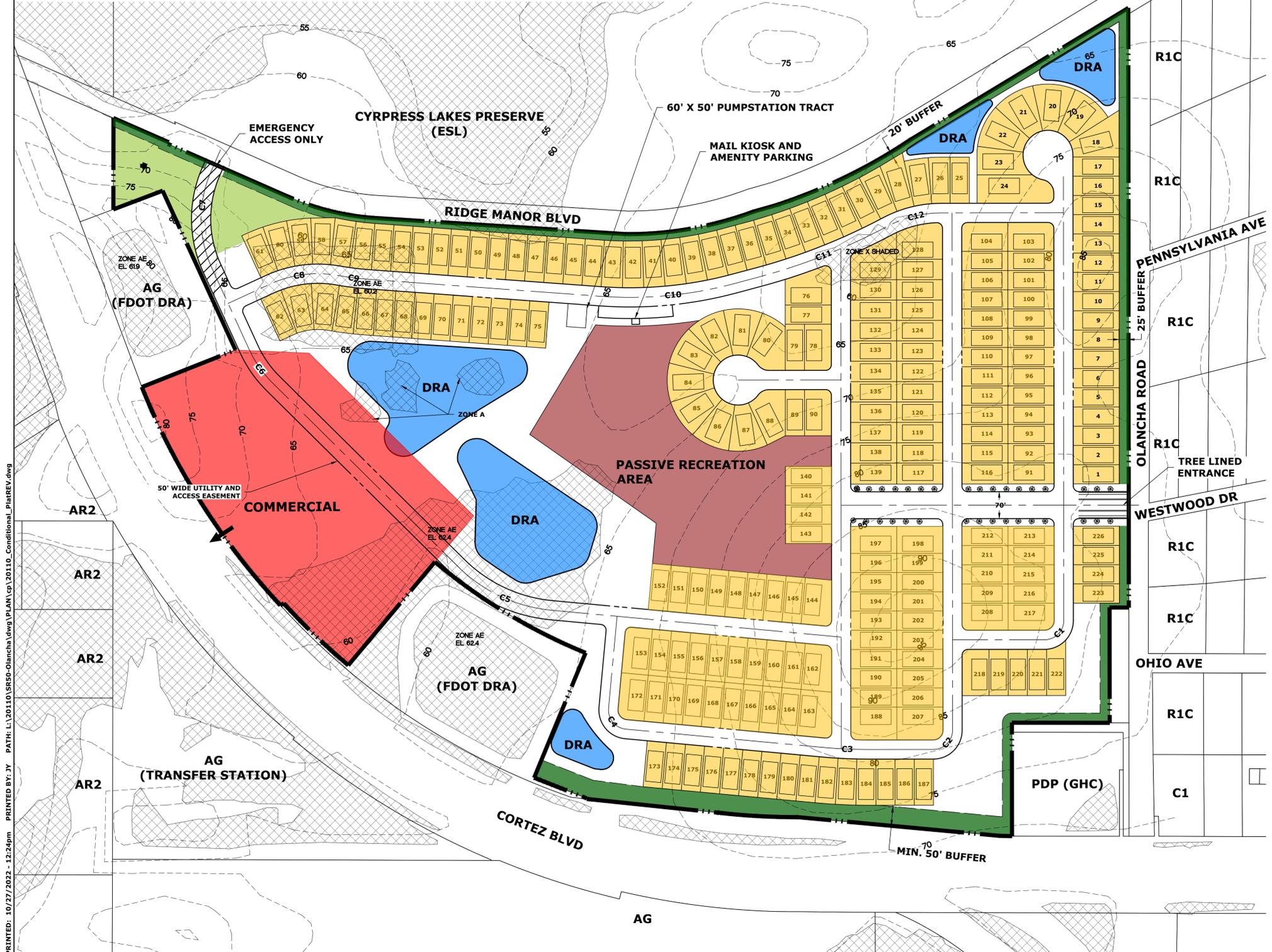
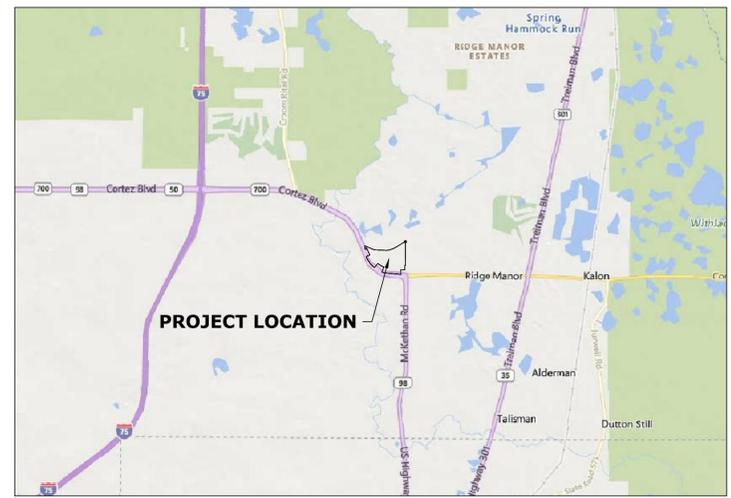
**BUFFERS:**  
ALONG OLANCHA RD: 25'  
ALONG RESIDENTIAL FRONTAGE ON CORTEZ BOULEVARD: 50'  
ALONG RIDGE MANOR BOUVELVARD: 20'  
MINIMUM COMMERCIAL BUFFER ALONG SR 50: 35'

THE BUFFER TRACTS INDICATED ON THIS PLAN WILL CONSIST OF NATURAL VEGETATION WHERE POSSIBLE, ENHANCED TO 80% OPACITY WHERE NEEDED. WHERE SITE GRADING REQUIRES THE REMOVAL OF NATURAL VEGETATION, A VEGETATIVE BUFFER WILL BE LANDSCAPED WITHIN THE BUFFER TRACT CONSISTING OF VEGETATION AND OPACITY CONSISTENT WITH COUNTY STANDARDS. BUFFER TRACTS WILL BE OWNED AND MAINTAINED BY THE HOA.

**FIRE PROTECTION:**  
FIRE HYDRANTS WILL BE PLACED THROUGHOUT THE COMMUNITY AT A MINIMUM OF 250' CURB LINE DISTANCE INTERVALS WHICH IS CONSISTENT WITH COUNTY STANDARDS. THE POTABLE WATER SYSTEM WILL BE DESIGNED TO PROVIDE A MINIMUM OF 1,000 GPM FOR USE IN FIRE FIGHTING AS REQUIRED BY NFPA GUIDELINES AS REQUIRED BY HERNANDO COUNTY.

**FLOOD PLAIN:**  
THE PROJECT IS LOCATED ON FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL 12053C 0239D EFFECTIVE DATE FEBRUARY 2, 2012. THE PROPERTY CONTAINS FLOOD ZONE AREAS A, AE AND X-SHADED.

NO WETLANDS AND/OR SURFACE WATERS ARE PRESENT.



PRINTED: 10/27/2022 - 12:24pm    PRINTED BY: JY    PATH: L:\20110\SR50-Olancha\dwg\PLAN\cp 20110\_Conditional\_PlanREV.dwg

CONDITIONAL PLAT  
 OLANCHA SUBDIVISION



Engineering  
 Surveying  
 Environmental  
 Transportation  
 Construction Management  
**Coastal**  
 engineering associates, inc. - Florida 34601  
 966 Candlelight Boulevard - Brooksville, FL 34601  
 (352) 796-9423 - Fax (352) 799-8359  
 EB-0000142

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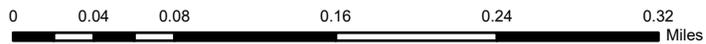
DATE	REV. BY/REV. NO.	REVISION



# CP 1445637

Photo date: 2020

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



# CP 1445637

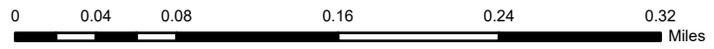
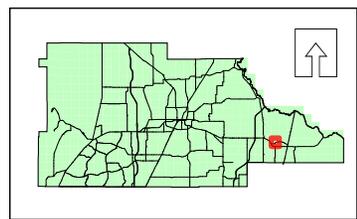
This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



**Zoning:**

AC	PDP(HC)
AG	PDP(HHC)
AR	PDP(HID)
AR1	PDP(IND)
AR2	PDP(LI)
C1	PDP(MF)
C2	PDP(MH)
C3	PDP(NC)
C4	PDP(OP)
CITY	PDP(PSF)
CM1	PDP(REC)
CM2	PDP(RR)
CPDP	PDP(RUR)
CV	PDP(SF)
I1	PDP(SU)
I2	R1A
M	R1B
OP	R1C
PDP(AF)	R1MH
PDP(CM)	R2
PDP(CP)	R2.5
PDP(GC)	R3
PDP(GHC)	RC
	RM

City Zoning Pending



## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: April 11, 2022  
Planning & Zoning Commission: May 9, 2022  
Board of County Commissioners: May 10, 2022  
Board of County Commissioners: June 14, 2022

**APPLICANT:** Ridge Manor Project, LLC

**FILE NUMBER:** H-21-74

**REQUEST:** Establish a Master Plan on Property Zoned PDP(SF)/Planned Development Project (Single-Family) and Rezoning from PDP(SF)/Planned Development Project (Single-Family) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses and Deviations

**GENERAL LOCATION:** North side of Cortez Boulevard, approximately 300' west of Olancha Road

**PARCEL KEY NUMBERS:** 394399

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### APPLICANT'S REQUEST:

On July 12, 2006, the Board of County Commissioners approved a master plan (H-06-37) on Parcel Key 394399 for 199 single-family residential units ranging in size from 50x120 (6,000 square feet) to 75x150 (11,250 square feet).

The petitioner's current request is as follows:

- retain the PDP(SF)/Planned Development Project (Single-Family) designation on the eastern and northern portions of the property, increasing the number of residential units to 263 and reducing the lot sizes to 4,800 and 6,000 square feet; and
- designate approximately 11 acres along State Road 50 as PDP(GC)/Planned Development Project (General Commercial) with three specific C-2 uses: automotive dealer establishments, tire and automotive accessory establishments and mini-warehouses with a maximum of 80,000 square feet of commercial uses.

The petitioner is requesting the following deviations with the proposed development:

- Perimeter Setback:
  - Reduction of setback along Cortez Boulevard for residential portion of development from 125' to 65'

- Reduction of residential lot setbacks:
  - Front: No Deviation
  - Side: 5' (Deviation from 10')
  - Rear: 15' (Deviation from 20')

**SITE CHARACTERISTICS:**

**Site Size:** 80.00 acres

**Surrounding Zoning & Land Uses:**

North: Conservation; Cypress Lake Preserve  
 South: AG; existing agricultural development  
 East: PDP(GHC), C1, R1C; existing residential development; vacant commercial  
 West: AG, AR2; existing agricultural and agricultural/residential development

**Current Zoning:** PDP(SF)/Planned Development Project (Single Family)

**Future Land Use Map Designation:** Residential and Commercial

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Arredondo Fine Sand, Sparr Fine Sand, Candler Fine Sand, and Pits (one is shown as a gravel pit)

**Features/ Resources:**

The property does not contain WHPA or archaeological resources according to County data resources. The site no longer contains a wetland, eliminated through agricultural use. There are three SPAs shown associated with the property (two on-site and one off-site) that are borrow pits, one is shown as a gravel pit from resource extraction (rechecked the 1977 soil survey).

**Comments:** The property contains a SPA. In accordance with the Groundwater Protection Ordinance the SPA will need to be abandoned and the designation removed for the C-2 uses of Automotive Dealer Establishments and/or Tire and Automotive Accessory Establishments to be allowed on the property. A geotechnical evaluation with recommendations is required as part of the SPA abandonment. (GIS mapping update required once the SPA designation is removed).

**Habitat:** Vacant, less than half forested and undeveloped with larger portion agricultural/crops identified as field crops. The rest of the property is shown as urban open land, stormwater treatment areas, and 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). The property is on the south of the road across from Hernando County’s Cypress Lakes Preserve.

**Comments:** A floral and faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.

**Flood Zone:** AE, A, and X-shaded

**Water Quality:** Providing information on Florida Friendly Landscaping™ techniques and proper fertilizer use is an opportunity to educate property owners on water quality. Materials are designed to address and help reduce nutrient pollution to the Withlacoochee River.

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.

Invasive plant species are to be removed during the development process.

The Cypress Lakes Preserve is managed by prescribed fire and mechanical methods, when needed. This needs to be included in the HOA documents to make residents aware that active management takes place and includes smoke at times.

**UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. There is an existing 12-inch water main that runs along the southern property line on Cortez Boulevard. There is an existing 8-inch sewer force main that runs along the south side of Cortez Boulevard.

The HCUD has no objection to the requested zoning change subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction, with the stipulation that the developer will need to provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks of less than 10 feet.

**ENGINEERING REVIEW:**

The County Engineer has reviewed the petitioner's request and has the following comments:

- The petitioner must mitigate for floodplain impacts and comply with SWFWMD ERP (Southwest Florida Water Management District Environmental Resource Permitting) and Hernando County Facility Design Guideline storm drainage regulations.
- A Traffic Access Analysis is required. Traffic Access Analysis to include a queuing analysis. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
- A frontage road is required.
- The petitioner must provide connectivity to commercial properties, existing and proposed.
- At the time of construction drawings, the petitioner shall work with the County Engineer to provide right of way along Olancha Blvd. and Ridge Manor Blvd.
- The petitioner must improve Olancha Blvd. and Ridge Manor Blvd. to current County Standards.
- Roadways shall be constructed to be to current County Standards
- Florida Department of Transportation (FDOT) access and drainage permits shall be required.

*Comments:* Upon further review of the petitioner's site design, the Department of Public Works determined that a frontage road was not necessary for the subject site and has recognized Ridge Manor Boulevard as an appropriate secondary access road for the proposed development.

**LAND USE REVIEW:**

The petitioner is proposing a mixed-use development on the subject property, consisting of commercial, office professional and residential uses. Certain land use specifications

apply to the entire project; others apply specifically to the nonresidential or residential components.

**PROJECT LAND USE SPECIFICATIONS**

**Access:**

The petitioner has proposed access exclusively to the commercial portion of the development via to the residential portions of the development from Olancha Road and Ridge Manor Boulevard. The only point of direct access from S.R. 50 (Cortez Boulevard) will allow access to the commercial parcel only.

**Perimeter Setbacks:**

- From Ridge Manor Boulevard: 35'
- From Cortez Boulevard: 65' Residential (Deviation from 125'); 125' Commercial
- From Olancha Road: 40'

***Comments:*** While the project does not require a frontage road, the residential portion of the site needs to retain a 75' perimeter setback for consistency of the setbacks along the corridor, noise attenuation and potential future expansion of Cortez Boulevard.

**COMMERCIAL LAND USE SPECIFICATIONS**

**Commercial Setbacks and Buffers:**

The petitioner has not proposed internal setbacks for the commercial uses on the site. If the master plan is approved, the following internal setbacks should be required:

- Side: 20'
- Rear: 35'

Additionally, the petitioner has not proposed buffers for the commercial uses. If the master plan is approved, the petitioner shall be required to comply with the Land Development Regulations for all commercial buffer requirements.

**Commercial Uses:**

The petitioner is requesting three specific C-2/(Highway Commercial) uses within the master plan. These uses are to all be located within the 11-acre portion of the site included in the associated Small-Scale Comprehensive Plan Amendment (CPAM-21-12).

- Automotive Dealer Establishments;
- Tire and Automotive Accessory Establishments; and
- Mini-Warehouses

**Comments:** Given the SPA located on the site as well as the proximity to the environmentally sensitive Cypress Lakes Preserve, the master plan should be limited to mini-warehouses as the sole C-2 use on the site.

**Large Retail Development Standards:**

The petitioner has indicated that the proposed project will consist of 80,000 square feet of commercial square footage. Due to the size of the project, it will be required to meet large retail development standards as specified below:

- Commercial development with any single building, or single site development with multiple buildings with the same use and owned and managed by the same entity, greater than 65,000 square feet of gross floor area is only allowable through approval as a Planned Development Project and which otherwise satisfies these requirements and this article. This type of development may be compatible in a given commercial zoning district but because of its size, intensity, increased traffic-generation, extended hours of operation, or proximity to residential areas/districts or public schools require additional conditions as a prerequisite for approval at a requested location. The applicant shall have the burden of adequately demonstrating compliance with all of the minimum standards set forth below and otherwise contained within this article. The governing body, in their sole discretion and following public hearing and notice, shall be the final arbiter of determining whether compliance with these minimum standards has been adequately demonstrated and whether to approve, approve in part or deny a particular request hereunder.

**Comments:** The proposed commercial development shall consist of a maximum of 80,000 square feet of commercial uses, all located within an 11- acre portion of the subject site.

- Mechanical/operational equipment including HVAC located at ground level shall be set back at least one hundred (100) feet from any property line external to the development site and shall be visually shielded through enhanced screening or shall be located on the roof and shall be visually shielded with a parapet wall. All mechanical/operational equipment shall be sound attenuated as necessary to comply with the county’s noise ordinance.

**Comments:** Any noise producing machinery or equipment (refrigeration units, air conditioning, chillers, etc.) for the commercial outparcels shall be placed on the roof and screened by a parapet wall with a similar architectural style as the building.

- Where the proposed commercial development consists of multiple buildings (excluding out parcels), then loading areas and loading docks should be situated between said buildings in a manner which allows the buildings to act as screens. All

loading areas/docks shall be set back at least one hundred (100) feet from any property line external to the development site and shall be screened at 100% opacity through the use of landscape plantings, berms, fences or walls. The County may require the use of absorptive noise barrier walls for commercial noise reduction.

- All outdoor lighting shall meet the specific use regulations for commercial lighting under Article III.

**Comments:** The developer shall provide a lighting plan which complies with the lighting standards for Large Retail Development.

- All on site advertising signs, including out parcels, shall be designed as part of a complete signage system and shall be limited to ground mounted monument type signs. Ground mounted monument type signs are signs where the bottom edge of the sign is no greater than ten (10) feet above grade and which otherwise meets all sign requirements in this code.
- The master plan shall meet the following increased setbacks and buffering requirements:
  - *Setbacks.* Where any side or rear lot line adjoins (excluding roads) a residential- or agricultural-zoned property or an existing residential use, then no building shall be located within one hundred (100) feet of said lot line.
  - *Buffering.* A thirty-five (35) foot wide buffer screened at 80% opacity at a height of six (6) feet above finished grade shall run along each rear and/or side property line which abuts any residential or agricultural zoned property. This buffer shall be screened through the use of landscape planting and landscape berms and may be augmented through the use of fences or walls, existing natural vegetation, and/or a combination thereof. The County may require the use of absorptive noise barrier walls for commercial noise reduction. Additionally, a 35' buffer is also required along the commercial uses fronting Cortez Boulevard.
- The applicant shall demonstrate that the proposed use is appropriate to the property in question, is compatible with existing and planned uses in the area and demonstrate compliance with the County Comprehensive Plan.

**Large Retail Development Signage:**

County LDRs require that any commercially zoned parcel(s) with less than one hundred (100) linear feet of road frontage will be allowed one (1) sign not to exceed one hundred (100) square feet in sign area. Commercially zoned parcels with a road frontage in excess of one hundred (100) linear feet will be allowed one (1) square foot of sign area per linear foot of road frontage with a maximum of two hundred (200) square feet of sign area. For commercially zoned parcels on all other roads and for parcels within any zoning district

other than commercial or residential there shall be a maximum of fifty (50) square feet of sign area.

**Comments:** The predominant sign material shall be like the material (e.g., brick, stone, etc.) of the buildings developed on the subject property. The signage for the project is limited to four (4) monument signs not to exceed the maximum spacing in the LDRs. A maximum of two (2) signs no more than 15' in height are allowed as indicated on the site plan. A maximum of two signs no more than 10' in height are allowed along the frontage road.

Shopping centers, malls, strip plazas and other buildings housing more than one (1) business or activity may display no more than one (1) sign for each two hundred (200) feet of frontage, provided they are at least two hundred (200) feet apart along public streets and provided each sign does not exceed the maximum allowed according to County LDRs. The petitioner must meet the minimum sign standards as required by the County LDRs.

**Minimum County Required Sign Setbacks (based on total sign surface area):**

Up to 75 square feet in area:	5' from property line
75 square feet and up to 150 square feet in area:	10' from property line
150 square feet or greater:	20' from property line

**RESIDENTIAL LAND USE SPECIFICATIONS**

**Residential Setbacks and Lot Sizes:**

- Front: 25'
- Side: 5' (Deviation from 10')
- Rear: 15' (Deviation from 20')
- Minimum lot size: 4800 square feet (deviation from 6000)

**Buffer:**

The petitioner has proposed the following buffers for the subject site:

- Along Olancha Road – 25'
- Along Residential Frontage on Cortez Boulevard – 50'
- Along Ridge Manor Boulevard – 20'

**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. If approved, individual single family and multifamily pods that exceed 50 units must meet the two (2) means of access per pod.

Additionally, Hernando County Land Development Regulations require that new single family and multifamily developments with more than 50 units provide at least one treed roadway/access way for motor vehicles extending through the length or width (whichever is greater) of the development with a vegetative buffer at least 10' in width.

**Comments:** The developer has proposed two access points to the residential portion of the development – one off Olancha Road and the other off Ridge Manor Boulevard. However, neither access has been designed as a treed boulevard entrance. If the master plan is approved, the developer shall be required to design the entrance road from Olancha Road as a treed boulevard roadway in accordance with the requirements of the Land Development Regulations.

**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. 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.

**Comments:** The petitioner has identified 24.6 acres as drainage, roads, open space and buffer tracts; however, no specific acreage has been allocated for the preservation of natural vegetation. If the master plan is approved, the petitioner shall be required to set aside 5.6 acres for the preservation of natural vegetation. Buffers more than 15' in width can be counted toward this preservation acreage.

**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 phase 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.

**Comments:** The petitioner has set aside 3.6 acres for a neighborhood park on the associated master plan. This acreage exceeds the 3.0 acres as required by the Hernando County Land Development Regulations. If the master plan is approved, the petitioner shall be required to provide multimodal and pedestrian access to the park site to ensure adequate access for all community residents.

**Fire Protection Plan:**

Hernando County LDRs require that a fire protection plan be completed for residential developments with lot sizes less than 60’ in width.

**Comments:** If approved, the petitioner shall submit a fire protection plan with the Conditional Plat in accordance with Hernando County LDRs.

**COMPREHENSIVE PLAN REVIEW:**

The petitioner has submitted a corresponding Small-Scale Comprehensive Plan Amendment for an 11-acre portion of the site that corresponds with the commercial area designated on the master plan. If the small-scale amendment is approved, the commercial portion of the site will be consistent with the Comprehensive Plan.

The remainder of the site is within the Commercial and Residential Future Land Use Categories.

**PROPERTY RIGHTS ELEMENT**

**Property and Vested Rights**

**Strategy 12.02A(2):** Existing legal zonings and related entitlements/property rights that do not conform with the Future Land Use Map Category shall be allowed to continue under this Plan and their entitlements shall not be diminished.

**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(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.

**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.

**CONSERVATION ELEMENT**

**Special Features Protection**

Strategy 10.02B(3): Special Protection Areas (SPAs) shall be designated around vulnerable features which have the potential to discharge directly to the aquifer.

**TRANSPORTATION ELEMENT**

**Road Network – Frontage Roads**

Strategy 5.01B(2): The provision of frontage roads shall be required as a condition of development adjacent to the arterial network by requiring new development to comply with the County’s Frontage Road Ordinance and adopted Facilities Design Guidelines. Strategy 5.01B(3): The County should require cross-access easements, shared drives, shared access and other techniques that optimize the function of the roadway network where frontage roads are not required.

**Comments:** According to the Hernando County Code of Ordinances, failure to initiate substantial performance within two (2) years from the initial date of approval by the governing body shall render the master plan null and void. The intensity/density is retained under the zoning approval; however, a new master plan meeting the existing land development regulations shall be required. The subject parcel has retained its entitlements for 199 units based on the previous zoning approval (H-06-37).

The petitioner is proposing a 30% increase in the total number of units for the proposed development, while reducing the total footprint for the residential portion; this increase in residential units to 267 accompanied by the 80,000 square feet of commercial uses is incompatible with the surrounding area, which is primarily comprised of larger R1C residential

and Agricultural/Residential lots. Additionally, the site is across Ridge Manor Boulevard from Cypress Lakes Preserve, a county-owned and maintained environmentally sensitive property. The combined impact of the increase in residential density and the addition of the commercial uses could prove detrimental to the site.

Due to the proximity of the subject site to existing agricultural, residential and environmentally sensitive properties, it is recommended that the petitioner be limited to the 199 residential units with a minimum lot size of 6,000 square feet as initially approved.

**FINDINGS OF FACT:**

The request to Establish a Master Plan on Property Zoned PDP(SF)/Planned Development Project (Single-Family) and Rezoning from PDP(SF)/Planned Development Project (Single-Family) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses and with Deviations is appropriate based on the recommended performance conditions that:

- Reduce the total unit count to the previously approved 199 units and lot size to 6,000 sq. ft. consistent with the previous approved master plan,
- Ensure consistency and compatibility with the existing agricultural, conservation and residential uses, and
- Are consistent with the Planned Development Project provisions established in the Hernando County Code of Ordinances.

**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 RECOMMENDATION:**

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request to Establish a Master Plan on Property Zoned PDP(SF)/Planned Development Project (Single-Family) and Rezoning from PDP(SF)/Planned Development Project (Single-Family) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses and with Deviations 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 floral and faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
3. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping, as applicable.
4. Invasive plant species are to be removed during the development process.
5. The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ (FFL) Program information and include FFL language in the HOAs covenants and restrictions. Information on the County's Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.
6. The developer must provide geotechnical testing in accordance with the Hernando County Facility Design Guidelines, including DRAs to determine if subsurface karst features are present.
7. The property contains a SPA. In accordance with the Groundwater Protection Ordinance the SPA will need to be abandoned and a geotechnical evaluation with recommendations is required as part of the SPA abandonment.
8. The developer shall provide a water and sewer capacity analysis and connect to central water and sewer systems at the time of vertical construction.
9. The developer shall provide utility placement details showing the locations of all utilities with the conditional plat.

10. The petitioner must mitigate for floodplain impacts and comply with SWFWMD ERP (Southwest Florida Water Management District Environmental Resource Permitting) and Hernando County Facility Design Guideline storm drainage regulations.
11. A Traffic Access Analysis is required. Traffic Access Analysis to include a queuing analysis. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
12. A frontage road is required by Hernando County Ordinance; however, the County Engineer has determined that a frontage road was not necessary for the subject site and has recognized Ridge Manor Boulevard as an appropriate secondary access road for the proposed development.
13. The petitioner must provide connectivity to commercial properties, existing and proposed.
14. At the time of construction drawings, the petitioner shall work with the County Engineer to provide right of way along Olancha Blvd. and Ridge Manor Blvd.
15. The petitioner must improve Olancha Blvd. and Ridge Manor Blvd. to current County Standards.
16. All roadways shall be constructed to be to current County Standards.
17. Florida Department of Transportation (FDOT) access and drainage permits shall be required.
18. Perimeter Setbacks:
  - From Ridge Manor Boulevard: 35'
  - From Cortez Boulevard: 75' Residential (Deviation from 125'); 125' for commercial
  - From Olancha Road: 40'
19. The master plan is approved for the following C-2/(Highway Commercial) uses:
  - Mini-Warehouses
20. The development shall be required to comply with the large retail development standards of Article III, Section 3.J and Article VIII, Section 6 of Appendix A.
21. The predominant sign material shall be like the material (e.g., brick, stone, etc.) of the buildings developed on the subject property. The signage for the project is limited to four (4) monument signs not to exceed the maximum spacing in the

LDRs. A maximum of two (2) signs no more than 15' in height are allowed as indicated on the site plan. A maximum of two signs no more than 10' in height are allowed along the frontage road.

- 22. Minimum Commercial setbacks:
  - Front (Cortez Boulevard) 125'
  - Side: 20'
  - Rear: 35'
  
- 23. Minimum Residential Lot Setbacks and Units:
  - Front: 25'
  - Side: 5' (Deviation from 10')
  - Rear: 15' (Deviation from 20')
  - Minimum lot size: 6,000
  - Maximum Units: 199
  
- 24. Minimum Buffers:
  - Along Olancha Road – 25'
  - Along Residential Frontage on Cortez Boulevard – 50'
  - Along Ridge Manor Boulevard – 20'
  - Minimum commercial buffer along SR 50: 35 feet

All residential buffers shall be placed in a separate tract owned and maintained by the HOA and shall be enhanced to 80% opacity where necessary.

The petitioner shall be required to meet the Land Development Regulations for all commercial buffers.

- 25. The petitioner shall be required to design the entrance road from Olancha Road as a treed boulevard roadway in accordance with the requirements of the Land Development Regulations.
  
- 26. The petitioner shall be required to set aside 5.6 acres for the preservation of natural vegetation. Buffers more than 15' in width can be counted toward this preservation acreage.
  
- 27. The petitioner shall be required to provide multimodal and pedestrian access to the park site shown on the associated master plan to ensure adequate access for all community residents.
  
- 28. The petitioner shall submit a fire protection plan with the Conditional Plat in accordance with Hernando County LDRs.

29. The commercial development shall be limited to 80,000 square feet of commercial.
30. 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 ACTION:**

On April 11, 2022, the Planning and Zoning Commission voted 5-0 to postpone the petitioner's request to Establish a Master Plan on Property Zoned PDP(SF)/Planned Development Project (Single-Family) and Rezoning from PDP(SF)/Planned Development Project (Single-Family) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses and with deviations to the May 9, 2022, meeting.

**P&Z RECOMMENDATION:**

On May 9, 2022 the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request to Establish a Master Plan on Property Zoned PDP(SF)/Planned Development Project (Single-Family) and Rezoning from PDP(SF)/Planned Development Project (Single-Family) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses and with Deviations with 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. A floral and faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
3. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping, as applicable.
4. Invasive plant species are to be removed during the development process.
5. The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ (FFL) Program information and include FFL language in the HOAs covenants and restrictions. Information on the County's Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.
6. The developer must provide geotechnical testing in accordance with the Hernando County Facility Design Guidelines, including DRAs to determine if subsurface karst features are present.
7. The property contains a SPA. In accordance with the Groundwater Protection Ordinance the SPA will need to be abandoned and a geotechnical evaluation with recommendations is required as part of the SPA abandonment.
8. The developer shall provide a water and sewer capacity analysis and connect to central water and sewer systems at the time of vertical construction.
9. The developer shall provide utility placement details showing the locations of all utilities with the conditional plat.

10. The petitioner must mitigate for floodplain impacts and comply with SWFWMD ERP (Southwest Florida Water Management District Environmental Resource Permitting) and Hernando County Facility Design Guideline storm drainage regulations.
11. A Traffic Access Analysis is required. Traffic Access Analysis to include a queuing analysis. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
12. A frontage road is required by Hernando County Ordinance; however, the County Engineer has determined that a frontage road was not necessary for the subject site and has recognized Ridge Manor Boulevard as an appropriate secondary access road for the proposed development.
13. The petitioner must provide connectivity to commercial properties, existing and proposed.
14. At the time of construction drawings, the petitioner shall work with the County Engineer to provide right of way along Olancha Blvd. and Ridge Manor Blvd.
15. The petitioner must improve Olancha Blvd. ~~and Ridge Manor Blvd.~~ from the project entrance to the intersection with SR 50 to current County Standards as required by the County Engineer. Access to Ridge Manor Blvd. shall be constructed for emergency access only.
16. All roadways shall be constructed to be to current County Standards.
17. Florida Department of Transportation (FDOT) access and drainage permits shall be required.
18. Perimeter Setbacks:
  - From Ridge Manor Boulevard: 35'
  - From Cortez Boulevard: 75' Residential (Deviation from 125'); 125' for commercial
  - From Olancha Road: 40'
19. The master plan is approved for the following C-2/(Highway Commercial) uses:
  - Mini-Warehouses
20. The development shall be required to comply with the large retail development standards of Article III, Section 3.J and Article VIII, Section 6 of Appendix A.

21. The predominant sign material shall be like the material (e.g., brick, stone, etc.) of the buildings developed on the subject property. The signage for the project is limited to four (4) monument signs not to exceed the maximum spacing in the LDRs. A maximum of two (2) signs no more than 15' in height are allowed as indicated on the site plan. A maximum of two signs no more than 10' in height are allowed along the frontage road.
  
22. Minimum Commercial setbacks:
  - Front (Cortez Boulevard) 125'
  - Side: 20'
  - Rear: 35'
  
23. Minimum Residential Lot Setbacks, Lot Width and Units:
  - Front: 25'
  - Side: 5' (Deviation from 10')
  - Rear: 15' (Deviation from 20')
  - Minimum lot size: 6,000
  - Maximum Units: ~~199~~226
  - Minimum Lot Width: 50' (Deviation from 60')
  
24. Minimum Buffers:
  - Along Olancha Road – 25'
  - Along Residential Frontage on Cortez Boulevard – 50'
  - Along Ridge Manor Boulevard – 20'
  - Minimum commercial buffer along SR 50: 35 feet

All residential buffers shall be placed in a separate tract owned and maintained by the HOA and shall be enhanced to 80% opacity where necessary.

The petitioner shall be required to meet the Land Development Regulations for all commercial buffers.
  
25. The petitioner shall be required to design the entrance road from Olancha Road as a treed boulevard roadway in accordance with the requirements of the Land Development Regulations.
  
26. The petitioner shall be required to set aside 5.6 acres for the preservation of natural vegetation. Buffers more than 15' in width can be counted toward this preservation acreage.
  
27. The petitioner shall be required to provide multimodal and pedestrian access to the park site shown on the associated master plan to ensure adequate access for all community residents.

28. The petitioner shall submit a fire protection plan with the Conditional Plat in accordance with Hernando County LDRs.
29. The commercial development shall be limited to 80,000 square feet of commercial.
30. 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.

**BCC ACTION – May 10, 2022:**

On May 10, 2022, the Board of County Commissioners voted 5-0 to postpone the petitioner's request to Establish a Master Plan on Property Zoned PDP(SF)/Planned Development Project (Single-Family) and Rezoning from PDP(SF)/Planned Development Project (Single-Family) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses and with deviations to the June 14, 2022, meeting.

**BCC ACTION – June 14, 2022:**

On June 14, 2022, the Board of County Commissioners voted 5-0 to adopt Resolution 2022-119, approving the petitioner’s request to Establish a Master Plan on Property Zoned PDP(SF)/Planned Development Project (Single-Family) and Rezoning from PDP(SF)/Planned Development Project (Single-Family) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses and with Deviations with 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. A floral and faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
3. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping, as applicable.
4. Invasive plant species are to be removed during the development process.
5. The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ (FFL) Program information and include FFL language in the HOAs covenants and restrictions. Information on the County’s Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.
6. The developer must provide geotechnical testing in accordance with the Hernando County Facility Design Guidelines, including DRAs to determine if subsurface karst features are present.
7. The property contains a SPA. In accordance with the Groundwater Protection Ordinance the SPA will need to be abandoned and a geotechnical evaluation with recommendations is required as part of the SPA abandonment.
8. The developer shall provide a water and sewer capacity analysis and connect to central water and sewer systems at the time of vertical construction.

9. The developer shall provide utility placement details showing the locations of all utilities with the conditional plat.
10. The petitioner must mitigate for floodplain impacts and comply with SWFWMD ERP (Southwest Florida Water Management District Environmental Resource Permitting) and Hernando County Facility Design Guideline storm drainage regulations.
11. A Traffic Access Analysis is required. Traffic Access Analysis to include a queuing analysis. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
- ~~12.~~ ~~A frontage road is required by Hernando County Ordinance; however, the County Engineer has determined that a frontage road was not necessary for the subject site and has recognized Ridge Manor Boulevard as an appropriate secondary access road for the proposed development.~~
- ~~13.~~ 12. The petitioner must provide connectivity to commercial properties, existing and proposed.
- ~~14.~~ 13. At the time of construction drawings, the petitioner shall work with the County Engineer to provide right of way along Olancha Blvd. and Ridge Manor Blvd.
- ~~15.~~ 14. The petitioner must improve Olancha Blvd. from the project entrance to the intersection with SR 50 to current County Standards as required by the County Engineer. Access to Ridge Manor Blvd. shall be constructed for emergency access only.
- ~~16.~~ 15. All roadways shall be constructed to be to current County Standards.
- ~~17.~~ 16. Florida Department of Transportation (FDOT) access and drainage permits shall be required.
- ~~18.~~ 17. Perimeter Setbacks:
  - From Ridge Manor Boulevard: 35'
  - From Cortez Boulevard: 75' Residential (Deviation from 125');  
125' for commercial
  - From Olancha Road: 40'

~~19.~~ 18. The master plan is approved for the following C-2/(Highway Commercial) uses:

- Mini-Warehouses

~~20.~~ 19. The development shall be required to comply with the large retail development standards of Article III, Section 3.J and Article VIII, Section 6 of Appendix A.

~~21.~~ 20. The predominant sign material shall be like the material (e.g., brick, stone, etc.) of the buildings developed on the subject property. The signage for the project is limited to four (4) monument signs not to exceed the maximum spacing in the LDRs. A maximum of two (2) signs no more than 15' in height are allowed as indicated on the site plan. A maximum of two signs no more than 10' in height are allowed along the frontage road.

~~22.~~ 21. Minimum Commercial setbacks:

- Front (Cortez Boulevard) 125'
- Side: 20'
- Rear: 35'

~~23.~~ 22. Minimum Residential Lot Setbacks, Lot Width and Units:

- Front: 25'
- Side: 5' (Deviation from 10')
- Rear: 15' (Deviation from 20')
- Minimum lot size: 6,000
- Maximum Units: 226
- Minimum Lot Width: 50' (Deviation from 60')

~~24.~~ 23. Minimum Buffers:

- Along Olancha Road - 25'
- Along Residential Frontage on Cortez Boulevard – 50'
- Along Ridge Manor Boulevard – 20'
- Minimum commercial buffer along SR 50: 35 feet

All residential buffers shall be placed in a separate tract owned and maintained by the HOA and shall be enhanced to 80% opacity where necessary.

The petitioner shall be required to meet the Land Development Regulations for all commercial buffers.

- ~~25.~~ 24. The petitioner shall be required to design the entrance road from Olancha Road as a treed boulevard roadway in accordance with the requirements of the Land Development Regulations.
- ~~26.~~ 25. The petitioner shall be required to set aside 5.6 acres for the preservation of natural vegetation. Buffers more than 15' in width can be counted toward this preservation acreage.
- ~~27.~~ 26. The petitioner shall be required to provide multimodal and pedestrian access to the park site shown on the associated master plan to ensure adequate access for all community residents.
- ~~28.~~ 27. The petitioner shall submit a fire protection plan with the Conditional Plat in accordance with Hernando County LDRs.
- ~~29.~~ 28. The commercial development shall be limited to 80,000 square feet of commercial.
- ~~30.~~ 29. 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

### AGENDA ITEM

Meeting: 02/13/2023  
Department: Planning  
Prepared By: akidd  
Initiator: AARON POOL  
DOC ID: 11693  
Legal Request Number:  
Bid/Contract Number:

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#### TITLE

CP1422384 Oak Hill Villas Conditional Plat

#### BRIEF OVERVIEW

Conditional Plat approval for Oak Hill Villas

#### FINANCIAL IMPACT

No financial impact.

#### LEGAL NOTE

The Planning and Zoning Commission has the authority to review this item in accordance with Chapter 26 (Subdivision Regulations), Article II (Procedures for County review and approval), Section 26-21 (procedure for conditional approval of a conditional plat) of the Hernando County Code of Ordinances.

#### RECOMMENDATION

Oak Hill Villas Subdivision with performance conditions.

#### REVIEW PROCESS

Omar DePablo	Escalated	01/26/2023	6:19 PM
Michelle Miller	Approved	01/27/2023	4:57 PM
Michelle Miller	Approved	01/27/2023	4:59 PM
Aaron Pool	Approved	01/30/2023	3:56 PM

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: February 13, 2023

**APPLICANT:** Benge Development Corporation

**FILE NUMBER:** 1422384

**PURPOSE:** Conditional Plat Approval for Oak Hill Villas

**GENERAL LOCATION:** North of Northcliffe Boulevard, east of Deltona Boulevard, and west of Keyville Avenue.

**PARCEL KEY NUMBER:** 320129

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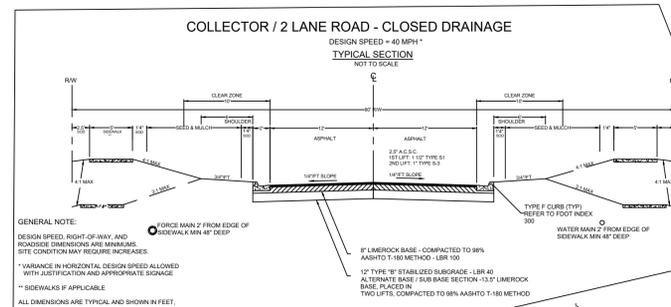
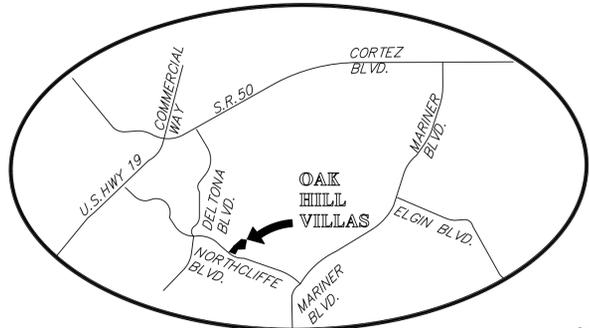
The conditional plat for the Oak Hill Villas Subdivision is for Ninety-one (91) single family residential lots on approximately 30.75 acres of the Oak Hill Golf Course located on the north side of Northcliffe Boulevard, east of Deltona Boulevard, and west of Keyville Avenue.

The conditional plat has been reviewed by various County agencies and found to be consistent with County standards. A certificate of concurrency has been issued for this conditional plat.

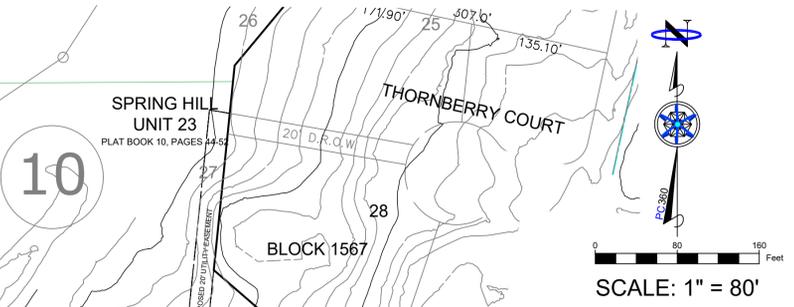
### STAFF RECOMMENDATION:

It is recommended that the Planning and Zoning Commission approve the conditional plat of the Oak Hill Villas Subdivision with the following performance conditions:

1. The conditional plat shall expire in two (2) years if no further approvals in the subdivision process are obtained.
2. The developer must conform to all Hernando County Facility Design Guidelines.
3. The petitioner shall provide a comprehensive listed species survey prepared by a qualified professional to identify any listed species present prior to clearing or development activities. The petitioner is required to comply with all applicable FWC regulations.
4. The petitioner must meet the minimum requirements of Florida-Friendly Landscaping publications and the Florida Yards and Neighborhoods Program For design techniques, principles, materials, and plantings for required landscaping.



TRACT "A" .... 1.09 Ac. DRAINAGE (H.C.)  
 TRACT "B" .... 1.1 Ac. RECREATION (HOA)  
 NO AMENITIES BY DEVELOPER - BY HOA  
 TRACT "C" .... 0.45 Ac. DRAINAGE (H.C.)  
 TRACT "D" .... 3.14 Ac. RECREATION/BUFFER (HOA)  
 CLEARED PATHS/TRAILS FOR WALKING ONLY BY DEV.  
 TRACT "E" .... 3.10 Ac. DRAINAGE (H.C.)  
 TRACT "F" .... 0.04 Ac. UTILITY (H.C.)  
 TRACT "G" .... 0.35 Ac. BUFFER (HOA)  
 STREET R/W... (H.C.)



VICINITY MAP  
 HEAVY GREEN LINE INDICATES PROJECT BOUNDARY

THERE ARE NO INTENDED PARK IMPROVEMENTS TO TRACT "B" OTHER THAN A SELECTIVELY CLEARED AND POSITIVELY GRADED SITE. OTHER IMPROVEMENTS BY THE HOA.

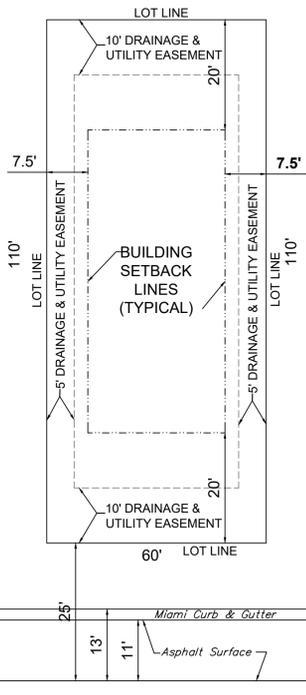
BLUE AREA INDICATES FEMA FLOODED AREAS FOR 100 YR EVENT ZONE AE: BFE = 31.9; FEMA PANEL #12053C06D eff date: 2/2/2012

BLUE AREA INDICATES FEMA FLOODED AREAS FOR 100 YR EVENT ZONE AE: BFE = 28.3; FEMA PANEL #12053C06D eff date: 2/2/2012

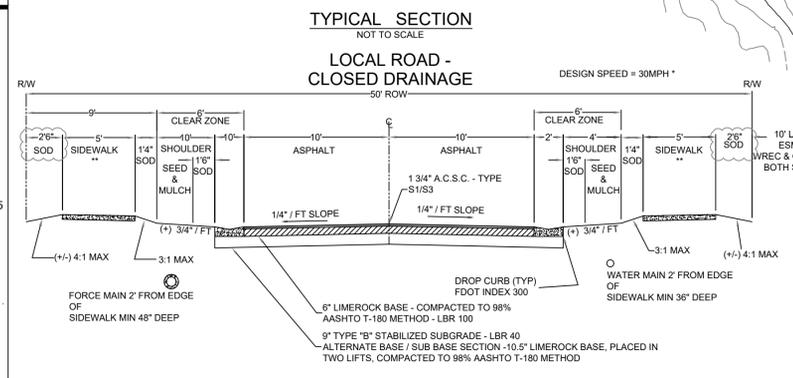
THIS CONNECTION IS FOR AN EMERGENCY ACCESS ONLY. IT SHALL MEET CONDITION #15 OF THE APPROVED MASTER PLAN.

- CONDITIONS OF APPROVAL OF MASTER PLAN ON APRIL 12, 2021. THE PLANNING AND ZONING COMMISSION VOTED 5-0 TO RECOMMEND APPROVAL OF THE PETITIONER'S REQUEST FOR A REZONING FROM POPULATED PLANNED DEVELOPMENT PROJECT (RECREATION) TO POPULATED PLANNED DEVELOPMENT PROJECT (SINGLE FAMILY), WITH DEVIATIONS, AND WITH THE FOLLOWING UNMODIFIED PERFORMANCE CONDITIONS:
1. THE PETITIONER MUST OBTAIN A WILDLIFE SURVEY, PREPARED BY A QUALIFIED PROFESSIONAL TO IDENTIFY ANY LISTED SPECIES PRESENT PRIOR TO ANY DEVELOPMENT OCCURRING ON THE PROPERTY. FURTHERMORE, COPIES OF ANY REQUIRED PERMITS SHALL BE PROVIDED PRIOR TO CLEARING OR COMMENCEMENT OF CONSTRUCTION.
  2. THE PETITIONER SHALL PROVIDE A WILDLIFE SURVEY, PREPARED BY A QUALIFIED PROFESSIONAL TO IDENTIFY ANY LISTED SPECIES PRESENT PRIOR TO ANY DEVELOPMENT OCCURRING ON THE PROPERTY. FURTHERMORE, COPIES OF ANY REQUIRED PERMITS SHALL BE PROVIDED PRIOR TO CLEARING OR COMMENCEMENT OF CONSTRUCTION.
  3. THE PETITIONER MUST MEET THE MINIMUM REQUIREMENTS OF FLORIDA FRIENDLY LANDSCAPING TM PROGRAM MATERIALS AND ENCOURAGE USE OF THE PRINCIPLES, TECHNIQUES, AND LANDSCAPING RECOMMENDATIONS. INFORMATION ON THE COUNTY'S FERTILIZER ORDINANCE AND FERTILIZER USE SHALL BE INCLUDED. EDUCATIONAL MATERIALS ARE AVAILABLE THROUGH THE HERNANDO COUNTY UTILITIES DEPARTMENT.
  4. THE BUILDER/DEVELOPER SHALL PROVIDE NEW RESIDENTIAL PROPERTY OWNERS WITH FLORIDA FRIENDLY LANDSCAPING TM PROGRAM MATERIALS AND ENCOURAGE USE OF THE PRINCIPLES, TECHNIQUES, AND LANDSCAPING RECOMMENDATIONS. INFORMATION ON THE COUNTY'S FERTILIZER ORDINANCE AND FERTILIZER USE SHALL BE INCLUDED. EDUCATIONAL MATERIALS ARE AVAILABLE THROUGH THE HERNANDO COUNTY UTILITIES DEPARTMENT.
  5. SUBSURFACE GEOTECHNICAL TESTING SHALL BE CONDUCTED FOR ALL PROPOSED IMPROVEMENTS TO DETERMINE IF SIGNIFICANT KARST FEATURES OR VOIDS ARE PRESENT.
  6. THE DEVELOPER SHALL CONDUCT A WATER AND SEWER CAPACITY ANALYSIS DURING THE CONDITIONAL PLAT PHASE AND CONNECT TO THE CENTRAL WATER AND SEWER SYSTEMS AT THE TIME OF VERTICAL CONSTRUCTION. HCU HAS IDENTIFIED CAPACITY ISSUES WITHIN THE EXISTING SEWER SYSTEM IN THIS AREA. OFFSITE SEWER SYSTEM UPGRADES MAY BE NECESSARY TO PROVIDE SEWER CAPACITY FOR THIS PARCEL.
  7. IN CONJUNCTION WITH THE CONDITIONAL PLAT PHASE, THE PETITIONER SHALL PERFORM A TRAFFIC ACCESS ANALYSIS IN ACCORDANCE WITH THE REQUIREMENTS OF THE COUNTY ENGINEER. ANY IDENTIFIED IMPROVEMENTS SHALL BE THE RESPONSIBILITY OF THE DEVELOPER.
  8. THE PROPOSED ROADS WITHIN THE DEVELOPMENT SHALL MEET HERNANDO COUNTY FACILITY GUIDELINE STANDARDS.
  9. THE PROPERTY 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 CONFORMANCE 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. THE FINDING OF SCHOOL CAPACITY OR FUNCTIONAL EQUIVALENT FOR EACH LEVEL OF SCHOOL WITHOUT MITIGATION, OR WITH THE EXCEPTION OF A LEGALLY BINDING PROPORTIONATE SHARE MITIGATION AGREEMENT BETWEEN THE APPLICANT, THE SCHOOL DISTRICT AND THE COUNTY.
  10. THE PETITIONER SHALL BE LIMITED TO 90 DETACHED SINGLE-FAMILY UNITS IN ACCORDANCE WITH THE MASTER PLAN.
  11. MINIMUM BUILDING SETBACKS, LOT WIDTH AND LOT SIZE:  
 FRONT: 20' (DEVIATION FROM 25')  
 REAR: 10' (DEVIATION FROM 10')  
 LOT WIDTH: 60'  
 LOT SIZE: 6000 SQUARE FEET
  12. MINIMUM PERIMETER SETBACKS:  
 FRONT: 20'  
 SIDE: 20'  
 REAR: 20'
  13. THE 100' VEGETATIVE BUFFER ALONG EXISTING RESIDENTIAL UNITS ON PURITAN LANE AND KEYVILLE AVENUE SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND EXCLUSIVE OF THE PERIMETER SETBACK.
  14. THE PETITIONER SHALL UTILIZE THE EXISTING ENTRANCE TO THE OAK HILL GOLF COURSE AS THE PRIMARY ACCESS FOR THE PROPOSED DEVELOPMENT, ENHANCING THE ENTRYWAY BY DEVELOPING IT AS A TREE BUFFER AND ROADWAY.
  15. THE SECONDARY ACCESS POINT TO THE PROPOSED DEVELOPMENT AS IDENTIFIED IN THE MASTER PLAN SHALL BE A GATED EMERGENCY ACCESS MEETING THE DESIGN REQUIREMENTS OF THE FIRE DEPARTMENT.
  16. THE PETITIONER SHALL PRESERVE THE MINIMUM SEVEN PERCENT (7%) NATURAL VEGETATION AS REQUIRED BY THE COUNTY'S LDRS. THE COMPLIANT NATURAL VEGETATION MAY BE INCLUDED AS PART OF THE REQUIRED OPEN SPACE.
  17. 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.

87 RESIDENTIAL LOTS



TYPICAL LOT NON-ATTACHED (NOT TO SCALE)



GENERAL NOTES:  
 DESIGN SPEED, RIGHT-OF-WAY, AND ROADSIDE DIMENSIONS ARE MINIMUMS. SITE CONDITION MAY REQUIRE INCREASES.  
 \* VARIANCE IN HORIZONTAL DESIGN SPEED ALLOWED WITH JUSTIFICATION AND APPROPRIATE SIGNAGE  
 \*\* SIDEWALKS IF APPLICABLE  
 ALL DIMENSIONS & LABELS ARE TYPICAL  
 SPEED LIMITS FOR ROADWAYS HAVING RIGHT-OF-WAY OF 50 FEET ARE 30 MPH PER COUNTY DESIGN STANDARDS. SAID ROADS WITHIN THIS SUBDIVISION SHALL BE 25 MPH, THEREFORE HORIZONTAL DESIGN GEOMETRY FALLS WITHIN HERNANDO COUNTY DESIGN STANDARDS.  
 SPEED LIMITS FOR ROADWAYS HAVING RIGHT-OF-WAY OF 80 FEET ARE 40 MPH PER COUNTY DESIGN STANDARDS. SAID ROADS WITHIN THIS SUBDIVISION SHALL BE 30 MPH, THEREFORE HORIZONTAL DESIGN GEOMETRY FALLS WITHIN HERNANDO COUNTY DESIGN STANDARDS.

OAK HILL ESTATES  
 SPRING HILL, FLORIDA  
 CONDITIONAL PLAT

**PRO CIVIL 360**  
 CIVIL ENGINEERING/RESIDENTIAL & COMMERCIAL SITE DEVELOPMENT / PLANNING & ZONING / PERMITTING / CONSTRUCTION SERVICES  
 12 SOUTH MAIN STREET, BROOKSVILLE, FL 34601 | PHONE - (952) 893-4255 | WWW.PROCIVIL360.COM

DATE	12/10/21
REV. BY	ANG
DESCRIPTION	ADD'D FEMA INFO & BUFFER DIMS
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# CP 1422384

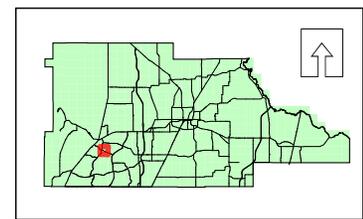
This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



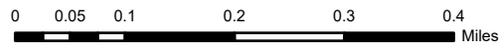
**Zoning:**

AC	PDP(HC)
AG	PDP(HHC)
AR	PDP(HID)
AR1	PDP(IND)
AR2	PDP(LI)
C1	PDP(MF)
C2	PDP(MH)
C3	PDP(NC)
C4	PDP(OP)
CITY	PDP(PSF)
CM1	PDP(REC)
CM2	PDP(RR)
CPDP	PDP(RUR)
CV	PDP(SF)
I1	PDP(SU)
I2	R1A
M	R1B
OP	R1C
PDP(AF)	R1MH
PDP(CM)	R2
PDP(CP)	R2.5
PDP(GC)	R3
PDP(GHC)	RC
	RM

City Zoning Pending



**Subject Parcel**





## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: April 12, 2021  
Board of County Commissioners: May 11, 2021

**APPLICANT:** Bengé Development Corporation

**FILE NUMBER:** H2109

**REQUEST:** Rezoning from PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/Planned Development Project (Single Family), with deviations

**GENERAL LOCATION:** North side of Northcliffe Boulevard, approximately 1344' west of Puritan Lane

**PARCEL KEY NUMBERS:** 320129

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### APPLICANT'S REQUEST:

The petitioner is requesting a rezoning from PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/Planned Development Project (Single Family) with deviations for a 30.75-acre portion of the Oak Hill Golf Course, to develop 90 single family homes in the area previously designated for the clubhouse, putting green and driving range.

This site was approved for a change to the land use on a 29.75 acre-tract from Recreation to Residential, which is scheduled for adoption on April 13, 2021 Board of County Commissioners agenda (CPAM2002).

### BACKGROUND:

On January 12, 2021, the Board of County Commissioners approved the transmittal of CPAM2002 to the Florida Department of Economic Opportunity and the reviewing agencies. This amendment included a 100' buffer that remained in the Recreation Category against the existing residential developments along Keysville Avenue and Puritan Lane (hence the difference in acreage between the CPAM and associated zoning).

The petitioner's proposed project includes the following development standards:

- The typical lot width of 60';
- The typical lot depth of 110';
- Minimum front setback: 20' (Deviation from 25')
- Minimum side setback: 7.5' (Deviation from 10')
- Minimum rear setback: 20'

- A proposed project density of 2.96 units/acre;
- The project entrance which coincides with the existing entrance to the Oak Hill Golf Course;
- The proposed main roadway at the entrance is a tree-lined roadway;
- A buffer against the homes along Puritan Lane and Keysville Avenue of 100' and remains in the recreation land use classification;
- The existing parking lot, south of the clubhouse, is to be removed with the master plan. A new parking lot for the clubhouse will be developed west of the clubhouse area;
- A neighborhood park centrally located for access by all residents; and
- The existing stormwater retention area will be improved to accommodate the increased stormwater needs and will have enhanced landscaping

**SITE CHARACTERISTICS:**

**Site Size:** 30.75 acres

**Surrounding Zoning:**

<b>Land Uses:</b>	North:	Residential
	South:	Residential
	East:	Residential
	West:	Residential

**Current Zoning:** Planned Development Project (Recreational)

**Future Land Use  
Map Designation:**

Recreation (1 acre) and Residential (29.75 acres)  
(See CPAM2002)

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Candler Fine Sands

**Hydrologic**

**Features:** The subject property contains two previously categorized Class 3 wetlands, according to the Hernando County data resources and FLUCCS mapping. They have been incorporated into the stormwater drainage system for the development and are no longer functional wetlands. There are no Special Protection Areas (SPAs), according to County data resources.

**Protection**

**Features:** The property has no Wellhead Protection Areas (WHPA) according to County data resources.

**Habitat:** Candler fine sands and associated soils provide suitable habitat for gopher tortoises and their commensal species. Since there is the potential for listed species to be present and portions are mapped as strategic conservation area by Florida Fish and Wildlife Conservation Commission (FWC), the site is to be surveyed prior to site alteration or commencement of construction. According to FLUCCS (Florida Land Use Cover and Classification System) mapping the property is shown as open land, golf course, residential medium density 2-5 dwelling units, freshwater marsh, and intermittent pond.

**Comments:** A comprehensive floral/faunal (wildlife) survey shall be conducted to identify any listed species present on the property. A Florida Fish and Wildlife Conservation Commission (FWC) permit may be required prior to site alterations. The petitioner is required to comply with all applicable FWC regulations.

**Water**

**Quality:** This project is located within the Weeki Wachee Priority Focus Area identified by FDEP as contributing nutrients to the Weeki Wachee Riverine System.

**Comment:** Distribution of information on Florida-Friendly Landscaping™ techniques and proper fertilizer use is a way to educate property owners on water quality protection.

**Flood Zone:** X

**SCHOOL DISTRICT REVIEW:**

No comments were received from the School District on this application prior to the initial Planning and Zoning Commission meeting. Subsequently, comments were received confirming the available capacity of the schools within the Concurrency Service Area.

The Hernando County School District Level of Service (LOS) is 100% of permanent school capacity.

At the Elementary school level, sufficient capacity is not available at Spring Hill Elementary School, the Concurrency Service Area serving the proposed residential development. However, there is currently sufficient capacity in the adjacent Concurrency Service Area of Explorer K-8.

At the Middle and High school levels, sufficient capacity is currently available at Fox Chapel Middle School and Central High School.

A formal application for School Concurrency Analysis should be submitted to the School District no less than thirty (30) days prior to submission for approval of a site plan, conditional plat, or functional equivalent. The administrative fee for this application is \$500.00. Should the School District then find sufficient capacity neither exists, nor is anticipated to exist within three (3) years from the issuance of such approval, the School District will require, as a condition of any such approval, a Capacity Improvement Agreement or a Proportionate Share Mitigation Agreement with the School Board, to offset the demand for public school facilities created by the proposed development.

**UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) currently supplies water service to this parcel. There is an existing 12-inch water main located along the south side of Northcliffe Boulevard. There is an existing 8-inch sewer force main located along the north side of Northcliffe Boulevard. HCUD has no objection to the submitted zone change from PDP-Recreational to PDP-SF Residential subject to a water and sewer capacity analysis and connection to the central water and sewer systems at time of vertical construction. HCUD has identified capacity issues within the existing sewer system in this area. Offsite sewer system upgrades may be necessary to provide sewer capacity for this parcel.

Availability of existing water, sewer, and reclaimed water capacity is dependent on the engineer's estimated flows for the proposed development. Existing utility infrastructure may require upgrades to supply service to the proposed development.

**ENGINEERING REVIEW:**

The County Engineer has reviewed the petitioner's request and has the following comments:

- A traffic access analysis will be required. The developer will be responsible for any improvements identified in traffic access analysis.
- The proposed roads within the development will have to meet county standards.
- Subsurface geotechnical testing shall be conducted for all proposed improvements to determine if significant karst features or voids are present.
- The proposed development falls within two watersheds and contains several areas shown as 1% annual chance floodplain.

**LAND USE REVIEW:**

**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. If approved, individual single family and multifamily pods that exceed 50 units must meet the two (2) means of access per pod.

Additionally, Hernando County LDRs require that new single family and multifamily developments with more than 50 units provide at least one treed roadway/access way for motor vehicles extending through the length or width (whichever is greater) of the development with a vegetative buffer at least 10' in width.

**Comments:** The petitioner is proposing the primary access from Northcliffe Boulevard, utilizing the existing entrance to the Oak Hill Golf Course. An access point east of the main entrance, closer to Puritan Lane, will be retained as an emergency exit only.

The primary entrance shall be developed as a treed roadway in accordance with the Hernando County Land Development Regulations.

**Setbacks, Lot Size and Lot Width:**

The petitioner is requesting the following lot setbacks, lot sizes and lot widths for single family detached and attached structures:

- Front: 20' (Deviation from 25')
- Sides: 7.5' (Deviation from 10')
- Rear: 20'
- Lot Width: 60'
- Lot Size: 6600 square feet

**Comments:** The narrative includes a reference to a potential an option for attached units; however, the typical unit setbacks, number of units, widths and sizes were not included on either the master plan or narrative. If the master plan is approved, the recommended master plan will not include an option to

develop attached units. The petitioner shall be limited to 90 detached single family units in accordance with the master plan.

The petitioner has not shown any perimeter setbacks on the proposed master plan. If the plan is approved, the minimum perimeter setbacks would be required:

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

**Buffers:**

The petitioner has proposed a 100' foot buffer along existing residential units on Puritan Lane and Keysville Avenue. This area is currently designated Recreation by the Future Land Use Map.

***Comment:*** If the master plan is approved, the vegetative buffer shall be a common tract, owned and maintained by the Homeowners Association, and exclusive of the perimeter setback.

**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 phase 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.

***Comments:*** The petitioner has proposed 1.5 acres for a neighborhood park. This exceeds the minimum 1.41 acres as required by the Hernando County Land Development Regulations.

**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. 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 provided it is a minimum of fifteen (15) feet in width.

**Comments:** The petitioner shall meet the LDR requirement for natural vegetation. The 100' buffer can be counted toward the minimum requirements.

**COMPREHENSIVE PLAN REVIEW:**

The subject parcel is currently classified as Recreation on the Hernando County Future Land Use Map. There is a corresponding Comprehensive Plan Amendment changing the Future Land Use from Recreation to Residential on 29.75 acres with one acre designated as a vegetated buffer on the master plan which is in the Recreation category. The rezoning request is consistent with the Comprehensive Plan and CPAM2002.

**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. Homeowners 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 approval of the petitioner's request for a Rezoning from PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/Planned Development Project (Single Family), 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. The petitioner shall provide a wildlife survey, prepared by a qualified professional to identify any listed species present prior to any development occurring on the property. Furthermore, copies of any required permits shall be provided prior to clearing or commencement of construction.
3. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials, and plantings for required

landscaping. Retention of large native trees and stands should be maintained to the extent possible.

4. The Builder/Developer shall provide new residential property owners with Florida-Friendly Landscaping™ Program materials and encourage use of the principles, techniques, and landscaping recommendations. Information on the County's Fertilizer Ordinance and fertilizer use shall be included. Educational materials are available through the Hernando County Utilities Department.
5. Subsurface geotechnical testing shall be conducted for all proposed improvements to determine if significant karst features or voids are present.
6. The developer shall conduct a water and sewer capacity analysis during the conditional plat phase and connect to the central water and sewer systems at time of vertical construction. HCUD has identified capacity issues within the existing sewer system in this area. Offsite sewer system upgrades may be necessary to provide sewer capacity for this parcel.
7. In conjunction with the conditional plat phase, the petitioner shall perform a Traffic Access Analysis in accordance with the requirements of the County Engineer. Any identified improvements shall be the responsibility of the developer.
8. The proposed roads within the development shall meet Hernando County Facility Guideline standards.
9. The property 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.
10. The petitioner shall be limited to 90 detached single-family units in accordance with the master plan.
11. Minimum Building Setbacks, Lot Width and Lot Size:
  - Front: 20' (Deviation from 25')
  - Sides: 7.5' (Deviation from 10')
  - Rear: 20'
  - Lot Width: 60'

- Lot Size: 6,600 square feet
12. Minimum Perimeter Setbacks:
- Front: 25'
  - Side: 10'
  - Rear: 20'
13. The 100' foot vegetative buffer along existing residential units on Puritan Lane and Keysville Avenue shall be a common tract, owned and maintained by the Homeowners Association, and exclusive of the perimeter setback.
14. The petitioner shall utilize the existing entrance to the Oak Hill Golf Course as the primary access for the proposed development, enhancing the entryway by developing it as a treed boulevard roadway.
15. The secondary access point to the proposed development as identified in the master plan shall be a gated emergency access meeting the design requirements of the Fire Department.
16. The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's LDRs. The required natural vegetation may be included as part of the required open space.
17. 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 ACTION:**

On April 12, 2021, the Planning and Zoning Commission voted 5-0 to recommend approval of the petitioner's request for a Rezoning from PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/Planned Development Project (Single Family), with deviations, and with the following unmodified 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 provide a wildlife survey, prepared by a qualified professional to identify any listed species present prior to any development occurring on the property. Furthermore, copies of any required permits shall be provided prior to clearing or commencement of construction.
3. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials, and plantings for required landscaping. Retention of large native trees and stands should be maintained to the extent possible.
4. The Builder/Developer shall provide new residential property owners with Florida-Friendly Landscaping™ Program materials and encourage use of the principles, techniques, and landscaping recommendations. Information on the County's Fertilizer Ordinance and fertilizer use shall be included. Educational materials are available through the Hernando County Utilities Department.
5. Subsurface geotechnical testing shall be conducted for all proposed improvements to determine if significant karst features or voids are present.
6. The developer shall conduct a water and sewer capacity analysis during the conditional plat phase and connect to the central water and sewer systems at time of vertical construction. HCUD has identified capacity issues within the existing sewer system in this area. Offsite sewer system upgrades may be necessary to provide sewer capacity for this parcel.
7. In conjunction with the conditional plat phase, the petitioner shall perform a Traffic Access Analysis in accordance with the requirements of the County Engineer. Any identified improvements shall be the responsibility of the developer.
8. The proposed roads within the development shall meet Hernando County Facility Guideline standards.

9. The property 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.
10. The petitioner shall be limited to 90 detached single-family units in accordance with the master plan.
11. Minimum Building Setbacks, Lot Width and Lot Size:
  - Front: 20' (Deviation from 25')
  - Sides: 7.5' (Deviation from 10')
  - Rear: 20'
  - Lot Width: 60'
  - Lot Size: 6,600 square feet
12. Minimum Perimeter Setbacks:
  - Front: 25'
  - Side: 10'
  - Rear: 20'
13. The 100' foot vegetative buffer along existing residential units on Puritan Lane and Keysville Avenue shall be a common tract, owned and maintained by the Homeowners Association, and exclusive of the perimeter setback.
14. The petitioner shall utilize the existing entrance to the Oak Hill Golf Course as the primary access for the proposed development, enhancing the entryway by developing it as a treed boulevard roadway.
15. The secondary access point to the proposed development as identified in the master plan shall be a gated emergency access meeting the design requirements of the Fire Department.
16. The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's LDRs. The required natural vegetation may be included as part of the required open space.
17. 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.

**BCC ACTION:**

On May 11, 2021, the Board of County Commissioners voted 4-1 to adopt Resolution 2021-68 approving the petitioner’s request for a Rezoning from PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/Planned Development Project (Single Family), with deviations, and with the following unmodified 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 provide a wildlife survey, prepared by a qualified professional to identify any listed species present prior to any development occurring on the property. Furthermore, copies of any required permits shall be provided prior to clearing or commencement of construction.
3. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials, and plantings for required landscaping. Retention of large native trees and stands should be maintained to the extent possible.
4. The Builder/Developer shall provide new residential property owners with Florida-Friendly Landscaping™ Program materials and encourage use of the principles, techniques, and landscaping recommendations. Information on the County’s Fertilizer Ordinance and fertilizer use shall be included. Educational materials are available through the Hernando County Utilities Department.
5. Subsurface geotechnical testing shall be conducted for all proposed improvements to determine if significant karst features or voids are present.
6. The developer shall conduct a water and sewer capacity analysis during the conditional plat phase and connect to the central water and sewer systems at time of vertical construction. HCUD has identified capacity issues within the existing sewer system in this area. Offsite sewer system upgrades may be necessary to provide sewer capacity for this parcel.
7. In conjunction with the conditional plat phase, the petitioner shall perform a Traffic Access Analysis in accordance with the requirements of the County Engineer. Any identified improvements shall be the responsibility of the developer.
8. The proposed roads within the development shall meet Hernando County Facility Guideline standards.

9. The property 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.
10. The petitioner shall be limited to 90 detached single-family units in accordance with the master plan.
11. Minimum Building Setbacks, Lot Width and Lot Size:
  - Front: 20' (Deviation from 25')
  - Sides: 7.5' (Deviation from 10')
  - Rear: 20'
  - Lot Width: 60'
  - Lot Size: 6,600 square feet
12. Minimum Perimeter Setbacks:
  - Front: 25'
  - Side: 10'
  - Rear: 20'
13. The 100' foot vegetative buffer along existing residential units on Puritan Lane and Keysville Avenue shall be a common tract, owned and maintained by the Homeowners Association, and exclusive of the perimeter setback.
14. The petitioner shall utilize the existing entrance to the Oak Hill Golf Course as the primary access for the proposed development, enhancing the entryway by developing it as a treed boulevard roadway.
15. The secondary access point to the proposed development as identified in the master plan shall be a gated emergency access meeting the design requirements of the Fire Department.
16. The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's LDRs. The required natural vegetation may be included as part of the required open space.
17. 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

Meeting: 02/13/2023  
Department: Planning  
Prepared By: A Congdon  
Initiator: AARON POOL  
DOC ID: 11758  
Legal Request Number:  
Bid/Contract Number:

### AGENDA ITEM

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#### TITLE

H-22-79 - Luis Puerto and Brenda Puerto:  
Master Plan Revision on Property Zoned PDP(NC)/Planned Development Project  
(Neighborhood Commercial); North side of County Line Road, approximately 670' east of  
Cobblestone Drive

#### BRIEF OVERVIEW

**Request:**

Master Plan Revision on Property Zoned PDP(NC)/Planned Development Project  
(Neighborhood Commercial)

**General Location:**

North side of County Line Road, approximately 670' east of Cobblestone Drive

**Hearing Detail:**

This petition was postponed from the January 9, 2023, P&Z hearing.

#### FINANCIAL IMPACT

A matter of policy. There is no financial impact.

#### LEGAL NOTE

The Planning and Zoning Commission has jurisdiction to make a recommendation on the subject application. The Applicable Criteria for Planned Development Projects are contained in Appendix A, (Zoning Code) Article VIII. The Planned Development Project master plan must be consistent with the Comprehensive Plan.

#### 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 Master Plan Revision on Property Zoned PDP(NC)/Planned Development Project (Neighborhood Commercial) subject to performance conditions.

#### REVIEW PROCESS

Omar DePablo	Escalated	01/26/2023	6:19 PM
Michelle Miller	Delegated	01/27/2023	4:59 PM
Omar DePablo	Escalated	01/31/2023	6:18 PM
Michelle Miller	Approved	02/01/2023	9:48 AM
Michelle Miller	Approved	02/01/2023	9:48 AM
Aaron Pool	Approved	02/02/2023	10:31 AM
Kyle Benda	Approved	02/02/2023	11:11 AM

**RESULT:**     **ADOPTED**  
**MOVER:**     Mike Fulford  
**SECONDER:** Gregory Arflack  
**AYES:**       McDonald, Birren, Fulford, Holmes and Arflack

**P&Z Action**

On January 9, 2023, the Planning and Zoning Commission voted 5-0 to postpone the petitioner's request for a Master Plan Revision on Property Zoned PDP(NC)/Planned Development Project (Neighborhood Commercial) to a future hearing date with the applicant incurring all re-advertising costs.

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: January 9, 2023  
Board of County Commissioners: February 14, 2023  
Planning & Zoning Commission: February 13, 2023  
Board of County Commissioners: March 14, 2023

**APPLICANT:** Luis Puerto and Brenda Puerto

**FILE NUMBER:** H-22-79

**PURPOSE:** Master Plan Revision on Property Zoned PDP(NC)/Planned Development Project (Neighborhood Commercial)

**GENERAL LOCATION:** North side of County Line Road, approximately 670' east of Cobblestone Drive

**PARCEL KEY NUMBER:** 412342

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### APPLICANT'S REQUEST:

On August 13, 2013, the Board of County Commissioners voted to approve an additional C-1/(General Commercial) use for Comparison Goods Store in order to operate a retail store in a portion of the existing 4,500 square foot building. As part of the 2013 approval, a performance condition was added that limited activity to the existing 4,500 square foot building and any future expansion of the existing structure and/or additional buildings would require an amendment to the master plan. The petitioner's current request to remove the condition limiting future expansion and/or new buildings and construct an additional 4,500 square foot commercial building. No other changes are being requested at this time.

### SITE CHARACTERISTICS:

**Site Size:** 1.3 acres

**Surrounding Zoning;  
Land Uses:**

North: PDP(SF); Single Family  
South: Pasco County  
East: PDP(SF); Single Family  
West: PDP(SF); Single Family

**Current Zoning:** PDP(NC)/Planned Development Project (Neighborhood Commercial)

**Future Land Use  
Map Designation:** Residential

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Candler Fine Sand

**Comments:** Candler Fine Sand provides habitat suitable for gopher tortoises (a listed species) and commensal species. A comprehensive faunal (wildlife) survey shall be prepared by a qualified professional during the construction plans stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.

**Protection Features:** There are no Protection Features (Special Protection Areas (SPA) or Wellhead Protection Area (WHPA)) on this site according to County data resources.

**Hydrologic Features:** There are no Hydrologic Features (sinkholes, karst sensitive areas, or wetlands) on this site according to County data resources.

**Habitat:** The property is classified as Commercial and Services 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).

**Water Quality** This site is in the Weeki Wachee Basin Action Management Plan (BMAP) and the Weeki Wachee Springs Priority Focus Area (PFA).

**Comments:** 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.

**Flood Plain:** X and AE

**UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) has indicated that they currently supply water to the subject parcel. There is an existing 10-inch water main that runs in front of this parcel along County Line Road. HCUD has no objection to the request. During the permitting process for this project it may be determined that this

parcel needs an upsized water meter and/or may be required to connect to the central sewer system at time of vertical construction.

**ENGINEERING REVIEW:**

The site is located on the north side of County Line Road, approximately 670' east of Cobblestone Drive. The petitioner does not seek any modifications to the existing access to County Line Road. The County Engineering Department has reviewed the petitioner's request and indicated the following:

- The petitioner will be required to revise the existing Southwest Florida Water Management District Environmental Resource Permit (SWFWMD ERP) (Permit 48-6467.0). A 2nd retention pond will be required.
- A Traffic Access Analysis may be required; this shall be determined at the time of site development.
- The existing Right-In/Right-Out access will remain in place.
- The driveway and parking will be required to be brought up to current County standards with signage and appropriate markings.

**LAND USE REVIEW:**

**Building Setbacks**

Minimum Building Setbacks (Previously Approved):

- Front: 50'
- Side: 20'
- Rear: 35'

**Buffers**

The petitioner shall maintain the previously approved opaque fence with five (5) foot vegetative buffer along the north, east, and west boundary lines. Vegetation shall be planted on the petitioner's side of the fence.

**Parking**

The site has twenty-six (26) existing parking spaces. If the request is approved, the petitioner will be required to provide parking in compliance with the County's LDRs.

**Lighting**

The petitioner has not indicated any provisions for lighting of the subject property. If approved, the petitioner must provide full cutoff fixtures for all new lighting, in order to retain all light onsite and prevent any light spillage onto neighboring residential uses.

**Landscaping**

The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials, and plantings for required landscaping.

**COMPREHENSIVE PLAN REVIEW:**

The area is characterized by residential, and some vacant residential lots. The subject property is located within the Residential land use classification on the adopted Future Land Use Map.

**Strategy 1.04B(1):** Commercial and institutional uses within the Residential Category are generally associated with medium and high density residential development and may include neighborhood commercial, office professional, recreational, schools, and hospitals. Minor public facilities that do not unduly disturb the peaceful enjoyment of residential uses may also be allowed.

**Comments:** Neighborhood commercial is an allowed use in the Residential Land Use Category. Any approval should include appropriate performance conditions to address potential negative impacts from the development.

**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:** Buffering should be provided where residential lots abut the subject property. Since its approval, any vegetation associated with the previously approved buffer, must be replanted and/or supplement if and where necessary.

**FINDING OF FACTS:**

A Master Plan Revision on Property Zoned PDP(NC)/Planned Development Project (Neighborhood Commercial) is appropriate based on the following conclusions:

1. The request is consistent with the County’s adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.
2. Neighborhood Commercial use is consistent with the Residential Land Use classification on the adopted Future Land Use Map.

**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 RECOMMENDATIONS:**

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 Master Plan Revision on Property Zoned PDP(NC)/Planned Development Project (Neighborhood Commercial) subject to 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. Neighborhood Commercial Building Setbacks:  
    Front: 50'  
    Side: 20'  
    Rear: 35'
3. Access to County Line Road shall be limited to the existing access.
4. The petitioner shall replant and/or supplement any vegetation associated with the buffer if and where necessary.
5. All lighting shall be full cut off fixtures to prevent any light spillage into neighboring parcels.
6. The petitioner shall be required to revise the existing Southwest Florida Water Management District Environmental Resource Permit (SWFWMD ERP) (Permit 48-6467.0). A 2nd retention pond will be required.

7. Traffic Access Analysis may be required once the land use is identified for the new building; this will be determined at the time of site development.
8. The driveway and parking shall be brought up to current County standards with signage and appropriate markings.
9. The petitioner shall meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping, as applicable.
10. The petitioner shall provide a master plan in compliance with all performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.

# H-22-79

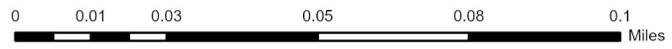
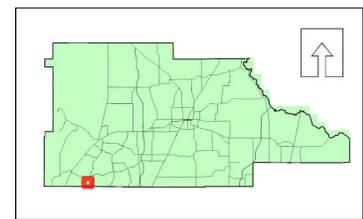
This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



**Zoning:**

AC	PDP(HC)
AG	PDP(HHC)
AR	PDP(HID)
AR1	PDP(IND)
AR2	PDP(LI)
C1	PDP(MF)
C2	PDP(MH)
C3	PDP(NC)
C4	PDP(OP)
CITY	PDP(PSF)
CM1	PDP(REC)
CM2	PDP(RR)
CPDP	PDP(RUR)
CV	PDP(SF)
I1	PDP(SU)
I2	R1A
M	R1B
OP	R1C
PDP(AF)	R1MH
PDP(CM)	R2
PDP(CP)	R2.5
PDP(GC)	R3
PDP(GHC)	RC
	RM

City Zoning Pending



# H-22-79

Photo date: 2020

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



0 0.01 0.03 0.05 0.08 0.1 Miles



# Hernando County Comprehensive Plan Map

Existing Future Land Use: H-22-79

Version Date: 07/14/2022

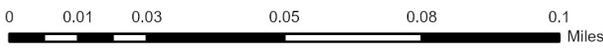


	H2279
	FLU Riverine District
	Regional Commercial
<b>FLU</b>	
	CITY
	COMMERCIAL
	CONSERVATION
	EDUCATION
	INDUSTRIAL
	MINING
	PLANNED DEVELOPMENT
	PUBLIC FACILITIES
	RECREATION
	RESIDENTIAL
	RURAL

**Future Land Use Map**

PLEASE REFER TO THE TEXT PORTION OF THE COMPREHENSIVE PLAN IN CONJUNCTION WITH THE USE OF THE FUTURE LAND USE MAP SERIES.

NOTE: THE RIVERINE DISTRICT IS SHOWN AS A LINE SETBACK PARALLEL TO THE WEEKI WACHEE, MUD AND WITHLACOOCHEE RIVERS.



**ARMOR PEST CONTROL  
MASTER DRAINAGE PLAN**

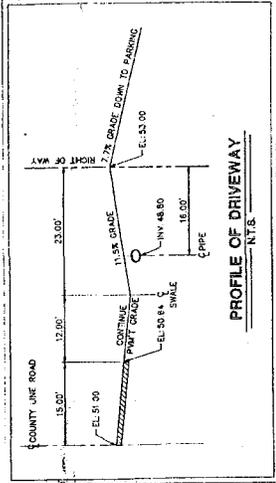
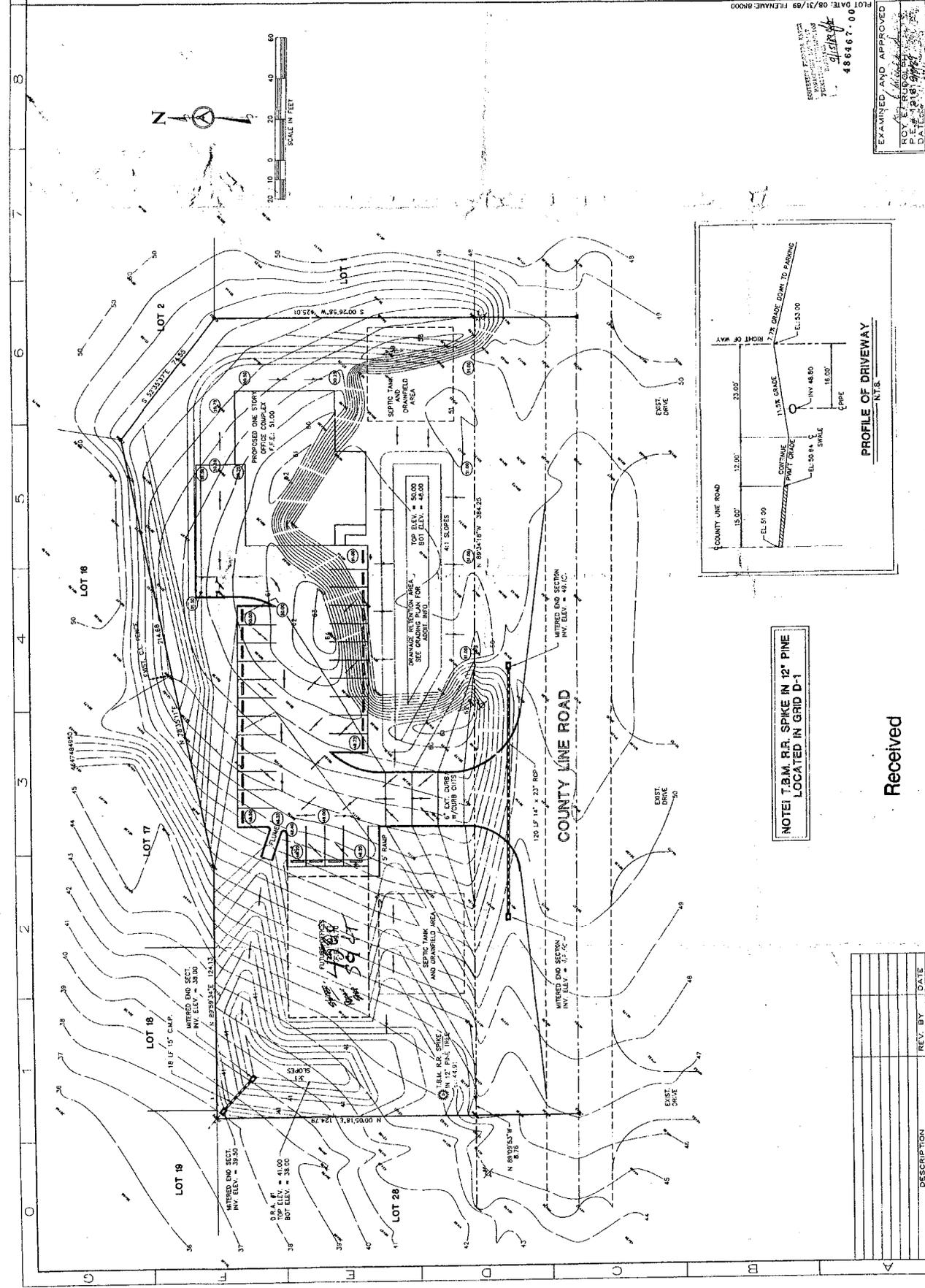
ENGINEERING & LAND PLANNING  
**Civil Inc.**  
 3573-B Commercial Way  
 Spring Hill, FL, 34606  
 (904) 683-2904  
 P.O. Box 5870

REGIONAL NO.	85042
SECTION NO.	2 OF 3
DATE	08/22/09
SCALE	1" = 20'
PROJECT	ARMOR PEST CONTROL
DATE	08/22/09
BY	AS/ST
CHECKED	AS/ST
DATE	08/22/09



EXAMINED AND APPROVED  
 BOYD L. JACOBS  
 P.E. # 12181  
 DATE: 08/22/09

LOT DATE: 08/21/09 FILE NAME: R9000  
 486467.00



NOTE: T.B.M. RR. SPIKE IN 12" PINE  
 LOCATED IN GRID D-1

Received

00122022

DESCRIPTION	REVISION HISTORY	REV. BY	DATE

486467 001

Planning Department  
 Hernando County, Florida

HERNANDO COUNTY ZONING AMENDMENT PETITION

File No. H-22-79 Official Date Stamp:



Application to Change a Zoning Classification

Application request (check one):

- Rezoning [X] Standard [ ] PDP
Master Plan [ ] New [ ] Revised
PSFOD [ ] Communication Tower [ ] Other

Received
OCT 12 2022
Planning Department
Hernando County, Florida

Date: 7/25/22

APPLICANT NAME: Luis Puerto + Brenda Puerto

Address: 1497 Meadowlane Rd.
City: Springhill State: FL Zip: 34608
Phone: 86-525-9494 Email: luertostne@gmail.com
Property owner's name: (if not the applicant)

REPRESENTATIVE/CONTACT NAME: Willie Alvin Triggs

Company Name:
Address: 4157 Glade Rd
City: Springhill State: FL Zip: 34606
Phone: 352-232-9999 Email:

HOME OWNERS ASSOCIATION: [ ] Yes [X] No (if applicable provide name)

Contact Name:
Address: City: State: Zip:

PROPERTY INFORMATION:

- 1. PARCEL(S) KEY NUMBER(S): 412342
2. SECTION 32, TOWNSHIP 23, RANGE 17
3. Current zoning classification: PDP w SPECIFIC USES
4. Desired zoning classification:
5. Size of area covered by application: 1.3 acres
6. Highway and street boundaries: Countyline Rd.
7. Has a public hearing been held on this property within the past twelve months? [ ] Yes [X] No
8. Will expert witness(es) be utilized during the public hearings? [ ] Yes [X] No (If yes, identify on an attached list.)
9. Will additional time be required during the public hearing(s) and how much? [ ] Yes [X] No (Time needed: )

PROPERTY OWNER AFFIDIVAT

I, Brenda Puerto, have thoroughly examined the instructions for filing this application and state and affirm that all information submitted within this petition are true and correct to the best of my knowledge and belief and are a matter of public record, and that (check one):

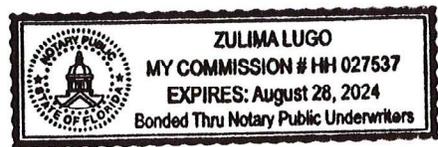
- [ ] I am the owner of the property and am making this application OR
[X] I am the owner of the property and am authorizing (applicant): Brenda Puerto
and (representative, if applicable): Willie Alvin Triggs
to submit an application for the described property.

Signature of Property Owner (Brenda Puerto)

STATE OF FLORIDA
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this 25 day of July, 2022, by who's personally known to me or produced as identification.

Signature of Notary Public (Zulima Lugo)



Effective Date: 11/8/16 Last Revision: 11/8/16

Notary Seal/Stamp

WE ARE NOT CHANGING ANYTHING  
JUST WANT TO ADD AN ADDITIONAL  
BUILDING ON THE PROPERTY 4500 SQ FT

Received

OCT 12 2022

Planning Department  
Hernando County, Florida



# Planning & Zoning Commission

## AGENDA ITEM

Meeting: 02/13/2023  
Department: Planning  
Prepared By: A Congdon  
Initiator: AARON POOL  
DOC ID: 11759  
Legal Request Number:  
Bid/Contract Number:

### TITLE

H-22-78 - Elizabeth A Richards:  
Rezoning from R-1C (Residential) to AR-2 (Agricultural/Residential-2); South side of Solway Drive at its intersection with Octavia Way.

### BRIEF OVERVIEW

#### Request:

Rezoning from R-1C (Residential) to AR-2 (Agricultural/Residential-2)

#### General Location:

South side of Solway Drive at its intersection with Octavia Way.

#### Hearing Detail:

This petition was postponed from the January 9, 2023, P&Z hearing.

### FINANCIAL IMPACT

A matter of policy. There is no financial impact.

### LEGAL NOTE

The Planning and Zoning Commission has jurisdiction to make a recommendation on the subject application. The Applicable Criteria for a Zoning District Amendment are contained in Appendix A, (Zoning Code) Article VI. The Zoning District Amendment must be consistent with the Comprehensive Plan.

### RECOMMENDATION

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving a rezoning from R-1C (Residential) to AR (Agricultural/Residential) in accordance with the staff report.

### REVIEW PROCESS

Cayce Dagenhart	Approved	01/26/2023	10:55 AM
Omar DePablo	Escalated	01/30/2023	6:19 PM
Michelle Miller	Delegated	01/31/2023	10:00 AM
Omar DePablo	Approved	02/02/2023	9:30 AM
Michelle Miller	Approved	02/02/2023	10:11 AM
Aaron Pool	Approved	02/02/2023	10:30 AM
Kyle Benda	Approved	02/02/2023	11:12 AM

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	Mike Fulford
<b>SECONDER:</b>	Gregory Arflack

**AYES:** McDonald, Birren, Fulford, Holmes and Arflack

**P&Z RECOMMENDATION:**

On January 9, 2022, the Planning and Zoning Commission voted 5-0 to postpone the petitioner's request for a rezoning from R-1C (Residential) to AR-2 (Agricultural/Residential-2) in accordance with the staff report.

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: January 9, 2023  
Board of County Commissioners: February 14, 2023  
Planning & Zoning Commission: February 13, 2023  
Board of County Commissioners: March 14, 2023

**APPLICANT:** Elizabeth A Richards

**FILE NUMBER:** H-22-78

**REQUEST:** Rezoning from R-1C (Residential) to AR-2 (Agricultural/Residential-2)

**GENERAL LOCATION:** South side of Solway Drive at its intersection with Octavia Way.

**PARCEL KEY:** 831274

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### APPLICANT'S REQUEST:

The petitioner is requesting a rezoning of this property from R-1C (Residential) to AR-2 (Agricultural/Residential-2) to allow for some farming, and livestock for personal consumption. The property has an existing home and accessory structures.

### SITE CHARACTERISTICS:

**Site Size:** 2.3 Acres

**Surrounding Zoning & Land Uses:**

North: R-1C; undeveloped

South: R-1C; Single-family homes

East: R-1C; undeveloped

West: R-1C, undeveloped

**Current Zoning:** R-1C (Residential)

**Future Land Use Map Designation:** Rural

**ENVIRONMENTAL REVIEW:**

- Soil Type:** Candler Fine Sand
- Protection Features:** There are no Protection Features (Wellhead Protection Areas (WHPA) and Special Protection 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.
- Habitat:** This property is designated “Sandhill” 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).
- Water Quality Review:** This property is not within any Basin Action Management Plan (BMAP), Priority Focus Areas (PFA) or Outstanding Florida Springshed (OFS).
- Flood Zone:** X

**UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) has reviewed the petitioner’s request and provided the following comments:

- 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 submitted zoning change from R1C to AR2 to allow chickens and goats on the premises.

**ENGINEERING REVIEW:**

The County Engineer has reviewed the petitioner’s request and provided the following comments:

- The property is outside the floodplain. The proposed development will have minimal impact on the site drainage.

**LAND USE REVIEW:**

Minimum AR-2 (Agricultural/Residential-2) Building Setbacks:

- Front: 50'
- Side: 10'
- Rear: 35'

The AR-2 District is designed to allow the continued development of low-density, single-family housing, characterized by an established mixture of both conventional single-family dwellings and mobile homes. The AR-2 district is not to be utilized for future development. The Hernando County Code of Ordinances, Appendix A, Article IV, Section 13 identifies the permitted uses within the AR-2 zoning district as follows:

A. The following regulations apply to agricultural/residential districts as indicated:

(1) Permitted uses:

(a) All agricultural/residential districts:

- i. Aquaculture
- ii. Grazing livestock at the rate of one mature animal and offspring less than one year of age, per acre.
- iii. Poultry and swine for home consumption maintained at least seventy-five (75) feet from adjacent property.
- iv. Horticultural specialty farms, including the cultivation of crops.
- v. Accessory structures related to the principal use of the land.
- vi. Pigeon aviaries with a maximum of 1,500 square feet of area devoted to housing pigeons per acre.
- vii. Sales on the premises of permitted agricultural products produced on the premises: provided that where such products are sold from roadside stands, such stand shall be set back a safe distance from any public street right-of-way and shall provide for automobile access and off-street parking space in such a manner so as to not create an undue traffic hazard on the street on which such roadside stand is located.

(d) Agricultural/Residential-2:

- i. Single-family dwellings
- ii. Mobile Homes

## COMPREHENSIVE PLAN REVIEW:

### Rural Category

**Objective 1.04C:** The Rural Category allows agriculture, agricultural commercial, agri-industrial, recreation, agritourism and residential land uses of a rural character. Certain neighborhood commercial uses may be allowed subject to locational criteria and performance standards. Residential density is 0.1 dwelling units per gross acre (1 unit per ten gross acres) except where otherwise indicated by the strategies listed herein and incorporated into the land development regulations.

**Comments:** The parcel is within the Rural land use classification and is surrounded by residential parcels ranging in size from 0.3 acres to the west, and parcels between 1.3 and 9.2 acres on the other three sides. The proposed rezoning is consistent with the strategies for rural density and the pattern of land development on the surrounding parcels.

## FINDINGS OF FACT:

A rezoning from R-1C (Residential) to AR-2 (Agricultural/Residential-2) is inappropriate based on the following:

- The subject site is within a R-1C (Residential) area that only allows for single family site built homes. The request for AR-2 (Agricultural/Residential-2) would allow the option of either a single family home or a mobile home should the petitioner decide to divide the subject site back out to its original configuration of two lots. A mobile home would not be compatible with the surrounding area.
- Rezoning to AR (Agricultural/Residential), single family use only, has been permitted in the Ridge Minor area due to its 1.0 acre plus lot sizes and rural nature, therefore it is recommended that the request be changed to AR (Agricultural/Residential) in order to ensure compatibility 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 RECOMMENDATION:**

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving a rezoning from R-1C (Residential) to AR (Agricultural/Residential) in accordance with the staff report.

# H-22-78

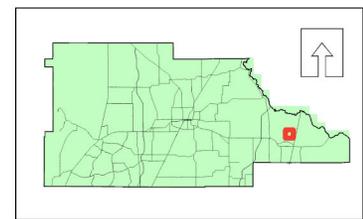
This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



**Zoning:**

AC	PDP(HC)
AG	PDP(HHC)
AR	PDP(HID)
AR1	PDP(IND)
AR2	PDP(LI)
C1	PDP(MF)
C2	PDP(MH)
C3	PDP(NC)
C4	PDP(OP)
CITY	PDP(PSF)
CM1	PDP(REC)
CM2	PDP(RR)
CPDP	PDP(RUR)
CV	PDP(SF)
I1	PDP(SU)
I2	R1A
M	R1B
OP	R1C
PDP(AF)	R1MH
PDP(CM)	R2
PDP(CP)	R2.5
PDP(GC)	R3
PDP(GHC)	RC
	RM

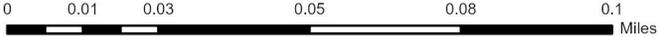
City Zoning Pending



# H-22-78

Photo date: 2020

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



# Hernando County Comprehensive Plan Map

Existing Future Land Use: H-22-78

Version Date: 07/14/2022



**H2278**

FLU Riverine District

Regional Commercial

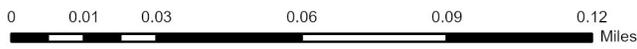
**FLU**

- CITY
- COMMERCIAL
- CONSERVATION
- EDUCATION
- INDUSTRIAL
- MINING
- PLANNED DEVELOPMENT
- PUBLIC FACILITIES
- RECREATION
- RESIDENTIAL
- RURAL

**Future Land Use Map**

PLEASE REFER TO THE TEXT PORTION OF THE COMPREHENSIVE PLAN IN CONJUNCTION WITH THE USE OF THE FUTURE LAND USE MAP SERIES.

NOTE: THE RIVERINE DISTRICT IS SHOWN AS A LINE SETBACK PARALLEL TO THE WEEKI WACHEE, MUD AND WITHLACOOCHEE RIVERS.



PROPERTY OF KEVANE, ELIZABETH RICHARDS  
 LOT 2-3 BLOCK 55  
 SOLWAY DR.  
 RIDGE MANOR FLORIDA

NORTH ↑

SOLWAY DRIVE

50' RIGHT-OF-WAY AND 20' LIMEROCK ROAD 330'

5' DRAINAGE

LOT 3  
 BLOCK 55

TOTAL AREA  
 2.3 ACRES

LOT 2  
 BLOCK 55

GREEN  
 AREA

WOODS/  
 GREEN  
 AREA

GRAVEL DRIVEWAY

DRAINAGE

7'6" EASEMENT

WOODS/  
 GREEN

WELL

SEPTIC  
 BED

RESIDENCE

CONCRETE  
 SLAB

GRAVEL AREA

SAND  
 PIT

WOODS/  
 GREEN  
 AREA

WOODS/  
 GREEN  
 AREA

7'6" EASEMENT

109'

CHICKEN COOP 7'x7' (49 sq')  
 HEIGHT 6'  
 CHICKEN RUN 20'x24' (480 sq')  
 GARDEN AREA 38'x45' (1,710 sq')  
 8'x20' (160 sq')  
 TOTAL: 1,870 sq'

HEIGHTS: GARDEN FENCE: 6'  
 GARDEN AVIARY NETTING 6-10'  
 CHICKEN RUN 6'-8'

Received

OCT 12 2022

Planning Department  
 Hernando County, Florida

LOT 12

LOT 13

LOT 14

HERNANDO COUNTY ZONING AMENDMENT PETITION



Application to Change a Zoning Classification

Application request (check one):

- Rezoning [X] Standard [ ] PDP
Master Plan [ ] New [X] Revised
PSFOD [ ] Communication Tower [ ] Other
PRINT OR TYPE ALL INFORMATION

File No. H-22-78 Official Date Stamp:
Received
OCT 12 2022
Planning Department
Hernando County, Florida

Date: 10-22

APPLICANT NAME: Elizabeth A. Richards

Address: 33462 Solway Dr.
City: Webster State: FL Zip: 33597
Phone: 813 236 7714 Email: kevanlisa@hotmail.com
Property owner's name: (if not the applicant)

REPRESENTATIVE/CONTACT NAME: N/A

Company Name:
Address:
City: State: Zip:
Phone: Email:

HOME OWNERS ASSOCIATION: [ ] Yes [X] No (if applicable provide name)

Contact Name:
Address: City: State: Zip:

PROPERTY INFORMATION:

- 1. PARCEL(S) KEY NUMBER(S): 00831274
2. SECTION 35, TOWNSHIP 22, RANGE 21
3. Current zoning classification: RIC
4. Desired zoning classification: AR2
5. Size of area covered by application: 2.3 acres
6. Highway and street boundaries: Solway Dr.
7. Has a public hearing been held on this property within the past twelve months? [ ] Yes [X] No
8. Will expert witness(es) be utilized during the public hearings? [ ] Yes [X] No (If yes, identify on an attached list.)
9. Will additional time be required during the public hearing(s) and how much? [ ] Yes [X] No (Time needed: )

PROPERTY OWNER AFFIDIVAT

I, Elizabeth A. Richards, have thoroughly examined the instructions for filing this application and state and affirm that all information submitted within this petition are true and correct to the best of my knowledge and belief and are a matter of public record, and that (check one):

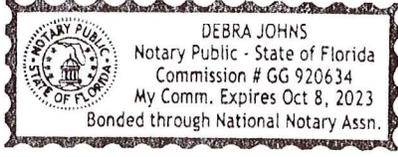
- [X] I am the owner of the property and am making this application OR
[ ] I am the owner of the property and am authorizing (applicant):
and (representative, if applicable):
to submit an application for the described property.

Signature of Property Owner: Elizabeth A. Richards

STATE OF FLORIDA
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this 12 day of October, 2022, by Elizabeth A. Richards who is personally known to me or produced FL0211 C as identification.

Signature of Notary Public: Debra Johns



Effective Date: 11/8/16 Last Revision: 11/8/16

Notary Seal/Stamp

33462 Solway Dr. Webster (Ridge Manor Estates)

In January 2013 My husband and I bought two acres in Ridge Manor Estates. When we moved our big family to Florida permanently in 2015, I, Elizabeth, designed and built a large house to accommodate taking care my husband's mother, our four children, as well as the many guests and extended family. There are no residences to the East, West or North of us but our neighbors to the South have residences about 100' from ours.

At the beginning of this year Kevan and I felt it necessary to develop some of our unused land to make us more self sustaining with food prices rising and the possibility of food shortages. We decided to make a big garden and have some chickens on the second acre we had bought. We also wondered if we might have a couple of goats in the future; maybe in a couple of years from now. As we planned and started on our project, we realized, about a month ago, that we may have to rezone our property to accommodate a dozen chickens.

I designed a secure place where our chickens will not get eaten by predators (including racoons, opossums, coyotes, owls, hawks, eagles, snakes and the like), and a garden that is fortified against diggers, climbers and flyers. There are a lot of animals out here in Ridge Manor! I made sure in planning that it was 25' from the edge of the property where I would put the renovated fort for the chickens. The chicken coop is 7'x7' and 6' high. The chicken run is 20'x24, with a height of 6'-8' and the garden is 38'x45' with a proposed aviary netting of 6'-10'.

We are on a ridge about 80' above sea level. Our two lots are on a hill which drains diagonally to the NE. We have our own 100' well over 90' from our septic system. The chicken run is over 100' East of our residence. The garden and chicken run is in a place where no trees grew previously on a sand slope to the NE. In designing the garden, I incorporated raised beds and erosion control by having the bottom of the fencing to have two 2x6 edges. I have purchased composted tree mulch from a local company to fill my raised beds and am anticipating using chicken manure as a fertilizer as well. I am using lime to control insects and keep the chicken area clean.

**Received**

**OCT 12 2022**

**Planning Department  
Hernando County, Florida**

**From:** [Art & Ellen Sanborn](#)  
**To:** [Cayce Dagenhart](#)  
**Date:** Sunday, January 8, 2023 3:07:36 PM

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**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We received your letter informing of us that Elizabeth Richards, our neighbor is requesting to rezone. File number H-22-78 and Parcel Key #831274. Please note that our family supports this request to rezone.

Sincerely,

Art & Ellen Sanborn

Ellen: 352-583-5516  
Art: 813-713-1043  
34077 Eiler Blvd., Webster, FL 33597

**From:** [David Sanborn](#)  
**To:** [Cayce Dagenhart](#); [Omar DePablo](#)  
**Date:** Wednesday, January 4, 2023 2:41:03 PM

---

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear M/s DePablo and M/s Dagenhart,

We received notice of a request to rezone in our neighborhood.  
File Number H-22-78  
Elizabeth A Richards (Solway Drive, Webster, FL)  
Parcel Key 831274

We **support** this request to rezone from R-1C to AR-2.

Thank you,  
David and Victoria Sanborn  
33484 West Blvd  
Webster, FL 33597

**From:** [Anne Sanborn](#)  
**To:** [Omar DePablo](#); [Cayce Dagenhart](#)  
**Date:** Wednesday, January 4, 2023 1:06:35 PM

---

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear M/s DePablo and M/s Dagenhart,

We received notice of a request to rezone in our neighborhood.  
File Number H-22-78  
Elizabeth A Richards (Solway Drive, Webster, FL)  
Parcel Key 831274

We **support** this request to rezone from R-1C to AR-2.

Thank you,  
Sean and Anne Sanborn  
34036 Eiler Blvd  
Webster, FL 33597



## AGENDA ITEM

### TITLE

H-22-42 - Josh Hofstede:

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; East side of Mitchell Road, approximately 300' north of Edwards Avenue

### BRIEF OVERVIEW

**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

### FINANCIAL IMPACT

A matter of policy. There is no financial impact.

### LEGAL NOTE

The Planning and Zoning Commission has jurisdiction to make a recommendation on the subject application. The Applicable Criteria for a Zoning District Amendment are contained in Appendix A, (Zoning Code) Article VI. The Applicable Criteria for Planned Development Projects are contained in Appendix A, (Zoning Code) Article VIII. The Zoning District Amendment to the Planned Development District and applicable PDP master plan must be consistent with the Comprehensive Plan.

### RECOMMENDATION

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a Resolution approving the petitioner's request to rezone a property zoned PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/ Planned Development Project (Single Family) with performance conditions.

### REVIEW PROCESS

Omar DePablo	Escalated	01/26/2023	6:19 PM
Michelle Miller	Delegated	01/27/2023	4:58 PM
Omar DePablo	Escalated	01/31/2023	6:18 PM
Michelle Miller	Approved	02/01/2023	9:48 AM
Michelle Miller	Approved	02/01/2023	9:48 AM
Aaron Pool	Approved	02/02/2023	10:30 AM
Kyle Benda	Approved	02/02/2023	11:14 AM

**RESULT:**      **ADOPTED**  
**MOVER:**       Mike Fulford  
**SECONDER:**   Kathryn Birren  
**AYES:**         McDonald, Birren, Fulford, Holmes and Arflack

# STAFF REPORT

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**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

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## 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:**

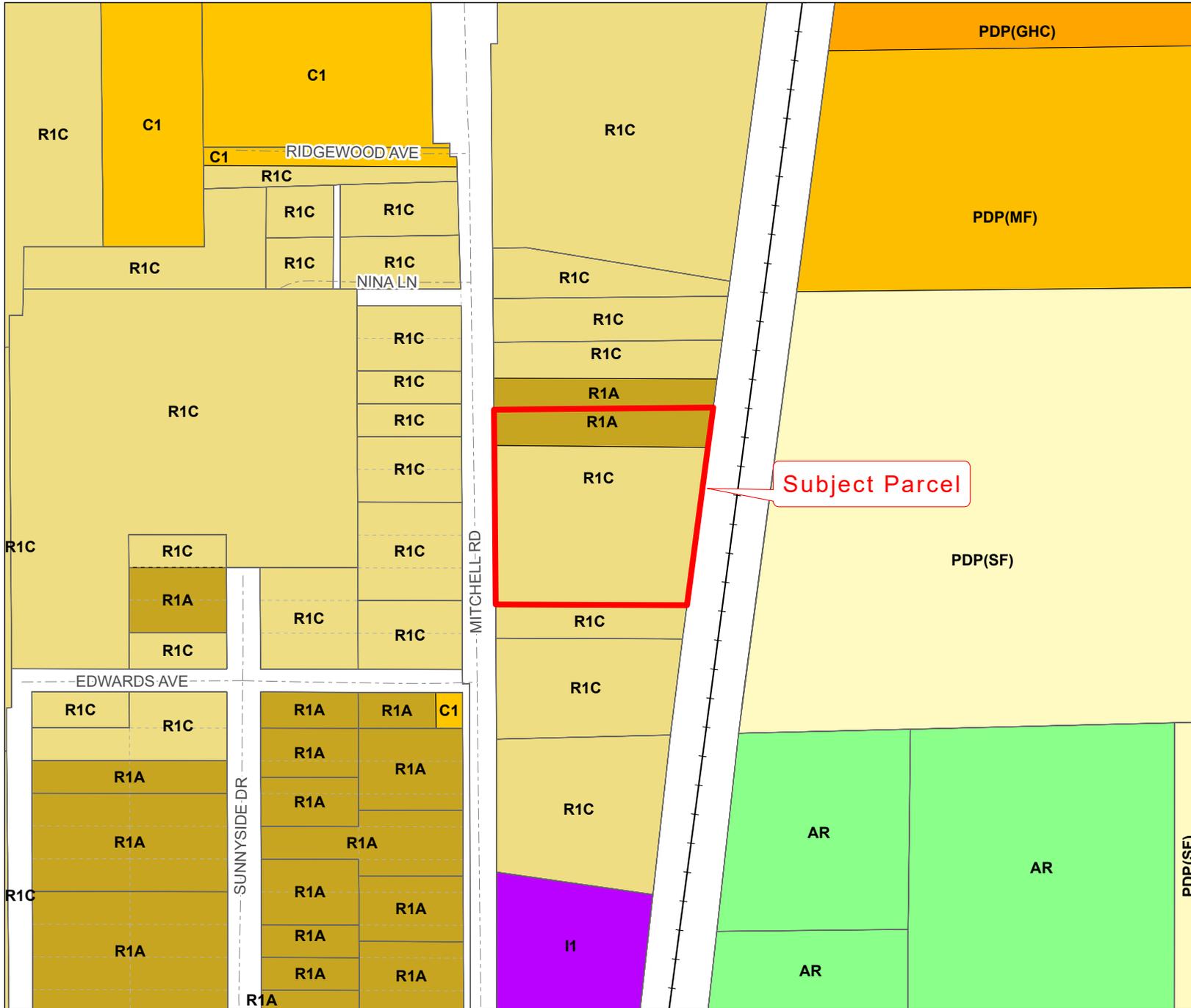
It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a Resolution approving the petitioner's request to Rezoning from R-1A (Residential) and R-1C (Residential) to CPDP to include PDP(REC)/ Planned Development Project (Recreational) and PDP(SF)/ Planned 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.

# H-22-42

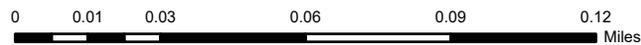
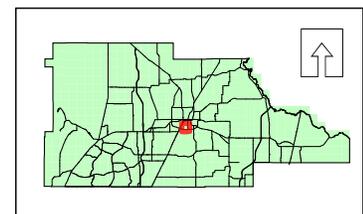
This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



**Zoning:**

AC	PDP(HC)
AG	PDP(HHC)
AR	PDP(HID)
AR1	PDP(IND)
AR2	PDP(LI)
C1	PDP(MF)
C2	PDP(MH)
C3	PDP(NC)
C4	PDP(OP)
CITY	PDP(PSF)
CM1	PDP(REC)
CM2	PDP(RR)
CPDP	PDP(RUR)
CV	PDP(SF)
I1	PDP(SU)
I2	R1A
M	R1B
OP	R1C
PDP(AF)	R1MH
PDP(CM)	R2
PDP(CP)	R2.5
PDP(GC)	R3
PDP(GHC)	RC
	RM

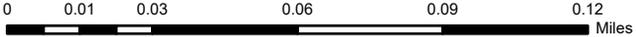
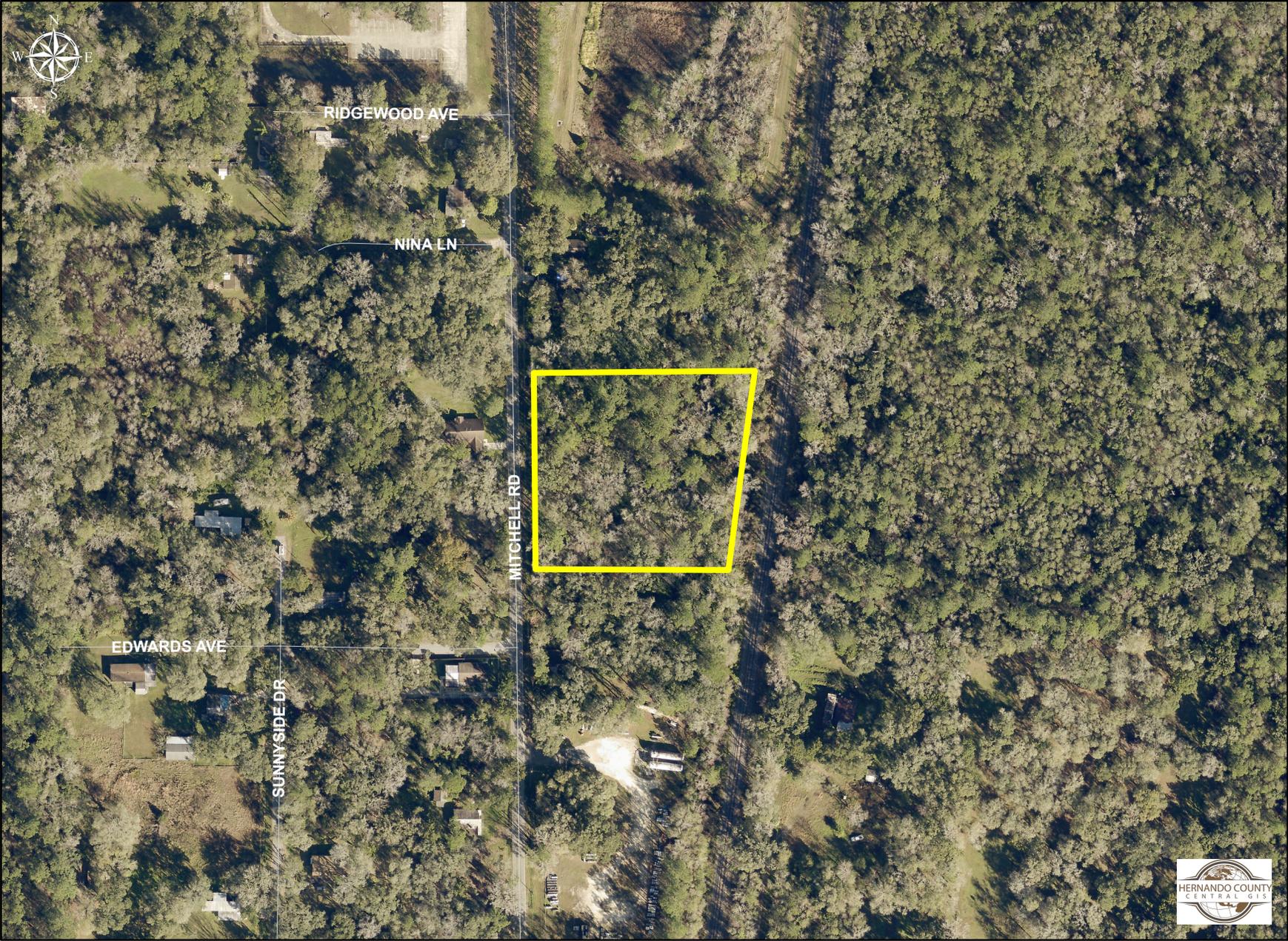
City Zoning Pending



# H-22-42

Photo date: 2020

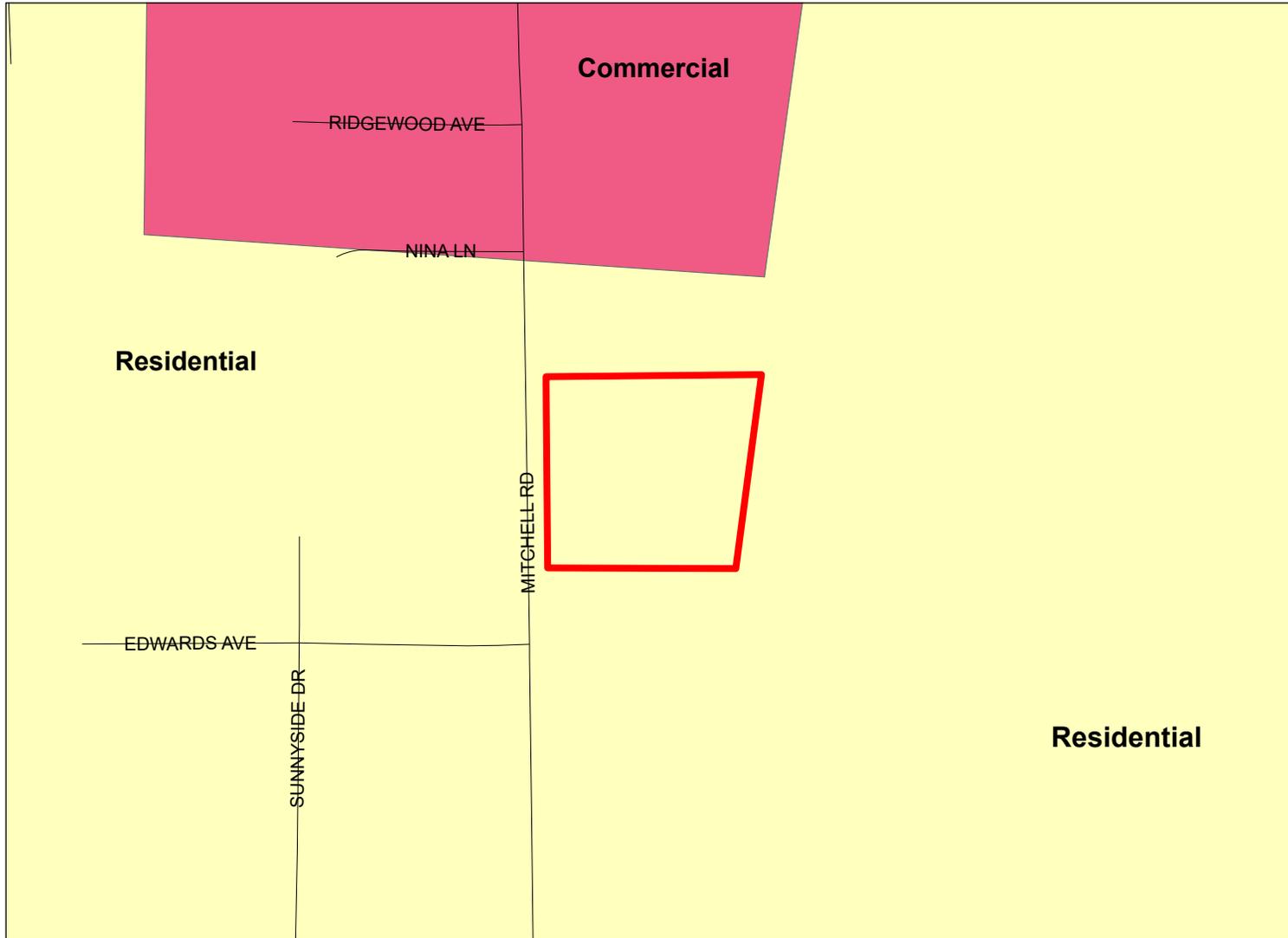
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# Hernando County Comprehensive Plan Map

Existing Future Land Use: H-22-42

Version Date: 01/11/2022

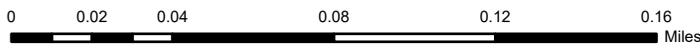


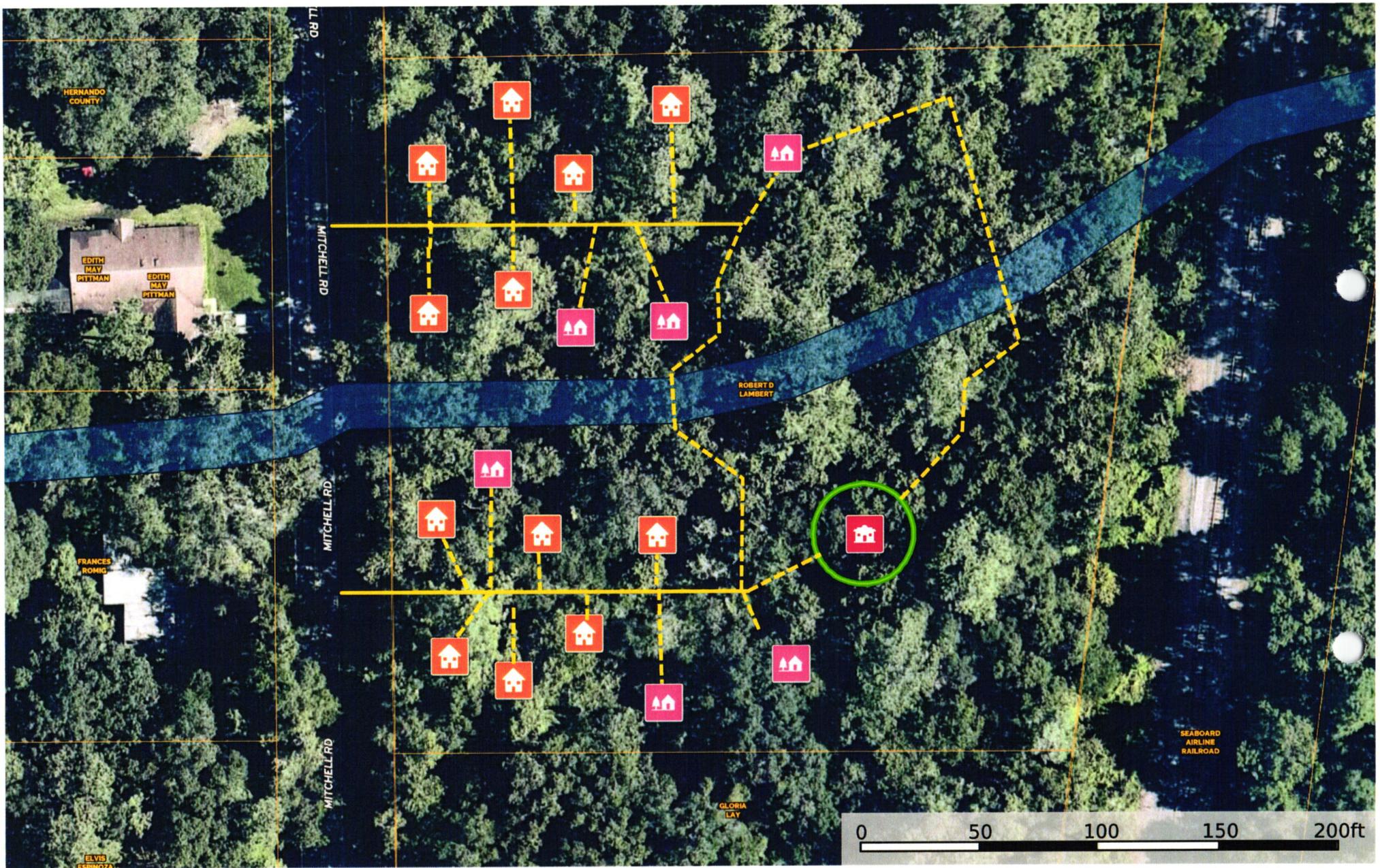
	H-22-42
	FLU Riverine District
	Regional Commercial
<b>FLU</b>	
	CITY
	COMMERCIAL
	CONSERVATION
	EDUCATION
	INDUSTRIAL
	MINING
	PLANNED DEVELOPMENT
	PUBLIC FACILITIES
	RECREATION
	RESIDENTIAL
	RURAL

**Future Land Use Map**

PLEASE REFER TO THE TEXT PORTION OF THE COMPREHENSIVE PLAN IN CONJUNCTION WITH THE USE OF THE FUTURE LAND USE MAP SERIES.

NOTE: THE RIVERINE DISTRICT IS SHOWN AS A LINE SETBACK PARALLEL TO THE WEEKI WACHEE, MUD AND WITHLACOOCHEE RIVERS.





- Cabin
- House
- Main House
- Road / Trail
- Primary Road
- Pivot
- Wetlands
- Riparian

Received

JUN 02 2022

Planning Department  
Hernando County, Florida



The information contained herein was obtained from sources deemed to be reliable. MapRight Services makes no warranties or guarantees of completeness or accuracy thereof.

HERNANDO COUNTY ZONING AMENDMENT PETITION



Application to Change a Zoning Classification

Application request (check one):

- Rezoning [ ] Standard [x] PDP
Master Plan [ ] New [ ] Revised
PSFOD [ ] Communication Tower [ ] Other
PRINT OR TYPE ALL INFORMATION

Date: 6-2-22

File No. H2242 Official Date Stamp:
Received
JUN 02 2022
Planning Department
Hernando County, Florida

APPLICANT NAME: Josh Hofstede
Address: 469 Rogers Ave
City: Brooksville State: FL Zip: 34601
Phone: 352-340-9554 Email: jh368i@yahoo.com
Property owner's name: (if not the applicant)

REPRESENTATIVE/CONTACT NAME: Josh Hofstede
Company Name:
Address:
City: State: Zip:
Phone: Email:

HOME OWNERS ASSOCIATION: [ ] Yes [x] No (if applicable provide name)
Contact Name:
Address: City: State: Zip:

PROPERTY INFORMATION:
1. PARCEL(S) KEY NUMBER(S): 01354947
2. SECTION, TOWNSHIP Brooksville, RANGE
3. Current zoning classification: Residential
4. Desired zoning classification: PDP/REC PDP/MF
5. Size of area covered by application: 2 Acres
6. Highway and street boundaries: highway 50 and Mitchell RD
7. Has a public hearing been held on this property within the past twelve months? [ ] Yes [x] No
8. Will expert witness(es) be utilized during the public hearings? [ ] Yes [x] No (If yes, identify on an attached list.)
9. Will additional time be required during the public hearing(s) and how much? [ ] Yes [x] No (Time needed: )

PROPERTY OWNER AFFIDIVAT

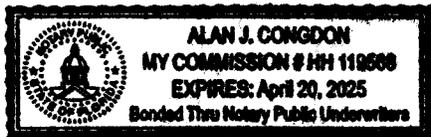
I, JOSH HOFSTEDER, have thoroughly examined the instructions for filing this application and state and affirm that all information submitted within this petition are true and correct to the best of my knowledge and belief and are a matter of public record, and that (check one):
[x] I am the owner of the property and am making this application OR
[ ] I am the owner of the property and am authorizing (applicant):
and (representative, if applicable):
to submit an application for the described property.

Signature of Property Owner

STATE OF FLORIDA
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this 2 day of June, 2022 by Joshua Donald HOFSTEDE who is personally known to me or produced FL DLIC as identification.
EXP. 1/2023

Signature of Notary Public



Effective Date: 11/8/16 Last Revision: 11/8/16

Received

JUN 02 2022

Planning Department  
Hernando County, Florida

Hoffkleinhaus property narrative description.

1.) Proposed usage for the parcel key 01354947 2 acre property. Property will have 18 units no larger than 500 ft<sup>2</sup>. And one common house up to 2,000 ft<sup>2</sup> with outdoor pavilion.

2.) The property consists of two acres and is currently zoned residential usage.

3.) The property is low lying and has a drainage stream in the middle of the property. We want to make an effort to impact the property in the least way possible. We were going to try and integrate more walking trails to the sites themselves rather than roads for the short term rentals.

4.) Current house is not designed to fill the need which majority of people have. Lower cost of living and a better quality of living.

The community should consist of 18 tiny home units. 12 full time units and 6 Short term nightly/weekly units

Each unit will be no larger than 500 ft<sup>2</sup> and be designed either on wheels or in a pre-manufactured style and brought on site and be placed on an RV pad 20ft x 20ft. The common house up to 2,000 ft<sup>2</sup> in size and may contain an outdoor pavilion. Additional laundry, bathroom with showers, and common dining space is placed in the common house.

To encourage ownership The property is to be set up in a co-op structure. With the Co-op structure each shares will representing ownership of the RV pad space up to 12.

12 of the tiny home units will be dedicated to full-time residential living. 6 units will be dedicated to short-term or tourism rental in which the money raised through these rentals will help to offset expenses to the entire community and any additional moneys will go to the shareholders of the co-op.

Each share would get a vote in the greater community.

The goal of the co-op would be firstly to drive the cost of housing down and provide a sense of ownership and building attainable housing cost without undue burden to the community.

Secondly the focus on building the community experience itself. encouraging architectural items that bring cohesiveness such as front and rear porches on each of the units, retain as much nature as possible and encourage natural landscaping. Another element could be meeting regularly for community dinners.

Lastly to be a part greater community and provide resources to encourage better and smarter growth.

Property setbacks and lots would be further considered pending input and approval from the commission. As this is a new type of project we would need to get an engineering firm in place to design the site layout. However the common number of sites in a RV park can be anywhere from 10 to 15 units per acre.

5.) Property would be connected to Brooksville City water and the sewer system would be a septic tank unless I could get access to city sewer hookup.

Most impact would be to increase traffic

Would try to limit impact to the natural environment on the property itself by limiting removal of nature landscape.

6.) Water would be hooked up through the the city of Brooksville

Sewer would be connected to a septic tank unless the option to get hooked up to the city sewer was available

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## Section 8. R-C Recreation-Commercial District.

This district is designed to permit the development of recreation vehicle/travel trailer parks.

A. *Permitted uses:*

- (1) Travel trailer parks having occupancy not to exceed one hundred eighty (180) days with no permanent units;
- (2) Recreational campgrounds having occupancy not to exceed one hundred eighty (180) days with no permanent units;

B. *Permitted accessory structures and uses:*

- (1) No accessory structure attached or detached shall be permitted except the following:
  - (a) Clubhouses, i.e., recreational halls, designated outdoor recreational activities;
  - (b) Laundry facilities, as constructed for the primary purpose of serving the park residences only;
  - (c) Permanent living unit for resident manager with garage or storage facility for the operational use only;
  - (d) Designated storage parking areas.

C. *Special exception uses:*

- (1) Dispensation of fuel for the principal use of the park residents only;
- (2) Retail groceries for the principal use of the park residents only.

D. *Dimension and area regulations.* Dimension and area regulations for lots and structures in recreational commercial districts are as follows:

- (1) Minimum development area: Ten (10) acres;
- (2) Minimum lot width of the building line: Forty (40) feet;
- (3) Minimum lot depth of the building line: Seventy (70) feet;
- (4) Total lot area: Two thousand eight hundred (2,800) square feet;
- (5) Setbacks (all structures):
  - (a) Front yard—Twenty (20) feet;
  - (b) Rear yard—Fifteen (15) feet;
  - (c) Side yard—Eight (8) feet.
- (6) Density: Not to exceed eleven (11) units per gross acre.

E. *Special regulations:*

- (1) All R-C districts shall have a boundary landscape buffer of twenty-five (25) feet (where applicable to be left in its natural state).
- (2) All streets shall meet minimum design standard pursuant to Hernando County construction standards for local streets.
- (3) Minimum setbacks for R-C District development along designated major arterials shall be one hundred twenty-five (125) feet. Along all other designated roadways, the minimum setback shall be seventy-five (75) feet.

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## Section 9. R-1-MH Residential Single-Family Manufactured Housing.

This district is designed to permit development of low-density, modular-manufactured housing units.

A. *Permitted uses:*

- (1) Park model trailers not to exceed five hundred (500) square feet of living area on a single chassis.
- (2) Modular-manufactured housing units having a maximum living area not to exceed six hundred (600) square feet and that is titled pursuant to chapter 320 of the Florida Statutes.

B. *Permitted accessory structures and uses:*

- (1) Accessory uses customarily incidental to the principle permitted use of the property.
- (2) Garages, storage buildings, carports, glassrooms and screen rooms when constructed in conjunction with and attached to the principle permitted structure.

C. *Special exception uses:*

- (1) Modular-manufactured duplexes.

D. *Dimensions and area regulations:*

- (1) Minimum development area: Twenty (20) acres;
- (2) Minimum lot size: Five thousand (5,000) square feet;
- (3) Minimum lot width: Fifty (50) feet;
- (4) Minimum lot depth: One hundred (100) feet;
- (5) Setbacks (all structures):
  - (a) Front yard—Twenty-five (25) feet;
  - (b) Rear yard—Fifteen (15) feet;
  - (c) Side yard—Ten (10) feet.
- (6) Density: Eight and seven-tenths (8.7) units per gross acre.
- (7) 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.

Any unit exceeding the above-described requirements shall be deemed to be prohibited in this district; however, may be permitted in other mobile home districts.

E. *Special regulations:*

- (1) All R-1-MH districts shall provide a landscaped buffer of twenty-five (25) feet around all boundaries of development area.
- (2) All streets shall be designed to meet the minimum design standards pursuant to Hernando County construction standards for local streets.
- (3) No odor-producing activity shall be permitted within one hundred (100) feet of the property, to include, but not limited to, the following: Sewage treatment plants, refuse collection container, lift stations, vehicle storage areas, etc.
- (4) Minimum setback for R-1-MH District development along designated major arterials shall be one hundred twenty-five (125) feet. Along all other designated roadways the minimum setback shall be seventy-five (75) feet.



## Planning & Zoning Commission

### AGENDA ITEM

Meeting: 02/13/2023  
Department: Planning  
Prepared By: Robin Renhart  
Initiator: Aaron Pool  
DOC ID: 11840  
Legal Request Number:  
Bid/Contract Number:

#### **TITLE**

Discussion of Governmental of Sunshine Law and Quasi-Judicial Procedures.

#### **BRIEF OVERVIEW**

Discussion of Governmental of Sunshine Law and Quasi-Judicial Procedures.

#### **FINANCIAL IMPACT**

No Financial Impact

#### **LEGAL NOTE**

Click or tap here to enter text.

#### **RECOMMENDATION**

#### **REVIEW PROCESS**

Michelle Miller	Approved	02/03/2023 12:37 PM
Kyle Benda	Approved	02/06/2023 9:53 AM

# Overview of Florida's Sunshine Law, Quasi- Judicial Procedures, and Florida Land Use Law

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KYLE J. BENDA

ASSISTANT COUNTY ATTORNEY

# Florida's Sunshine Law

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- Florida Constitution Article I, Section 24
  - Ensures public access to public records and public meetings
- Chapter 119 of the Florida Statutes – Florida's "Public Records Act"
  - Provides a duty to produce public records for inspection
- Chapter 286 of the Florida Statutes – Florida's "Government in the Sunshine Law"
  - Requires meetings of government to be open to the public

# Florida's Constitution

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- Article I, Section 24 – Access to public records and meetings
  - (a) “Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution . . . .”
  - (b) “All meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public . . . except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution.”

# Florida's Public Records Act

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- Section 119.07, Florida Statutes
  - (1)(a) "Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records."
- Section 119.071, Florida Statutes provides for the general exemptions from inspection or copying of public records.

# Statutory Exemptions to Florida's Public Records Act

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- 119.071(1), Florida Statutes
  - Agency Administration
- 119.071(2), Florida Statutes
  - Agency Investigations
- 119.071(3), Florida Statutes
  - Security and Firesafety
- 119.071(4), Florida Statutes
  - Agency Personnel Information
- 119.071(5), Florida Statutes
  - Other Personal Information

# Florida's Government in the Sunshine Law

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- Section 286.011, Florida Statutes
  - (1) "All meetings of any board or commission of . . . any county . . . , except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings."
  - Provides for an exception to this rule for what is called a "shade" meeting. 286.011(8), Fla. Stat.

# Florida's Government in the Sunshine Law

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- Generally, any “meeting” between at least two public officials must occur in the Sunshine
- *Transparency for Florida v. City of Port St. Lucie*, 240 So. 3d 780 (Fla. 4th DCA 2018)
  - Improper for city attorney to poll city council members about firing city manager
  - However, subsequent full public hearing could cure a previous Sunshine Law violation
  - Also discusses what is reasonable notice for an issue to be heard at a public meeting
- *Everglades Law Cntr., Inc. v. S. Fla. Water Mgmt. Dist.*, 2019 WL 4458737 (Fla. 4<sup>th</sup> DCA, Sep. 18, 2019)
  - Shade meeting to discuss mediated settlement agreement
  - Water Management District did not disclose transcript of shade meeting asserting that the transcript of that meeting contained confidential mediation communications
  - Appellate court discusses how the shade meeting led to the creation of a public record

# Shade Meetings

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- Section 286.011(8), Florida Statutes
  - Any agency or authority of any county, municipal corporation, or political subdivision and the chief administrative or executive officer of the governmental entity may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party
    - The entity's attorney must advise that he or she seeks advice
    - The subject matter of the meeting can only be for "settlement negotiations or strategy sessions related to litigation expenditures."
    - The entire session has to be recorded by a court reporter, which would be released as a public record upon the conclusion of the litigation
    - Reasonable notice of the meeting must be given to the public and identify everyone in attendance
    - The session must commence at an open meeting where the shade meeting is announced, and at the conclusion of the shade meeting the meeting will then be reopened.

# Penalties

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- Any member of a board or commission who knowingly violates the Sunshine Law is guilty of a misdemeanor of the second degree. A second-degree misdemeanor is punishable by a fine of up to \$500.00 and/or a term of imprisonment not to exceed 60 days.
- A public officer who violates the Sunshine Law is also guilty of a noncriminal infraction, punishable by a fine not exceeding \$500.00.
- The Governor may also suspend an elected or appointed public officer who is indicted or informed against for any misdemeanor arising out of official duties. If found guilty, then may be removed from office.
- Includes an award of attorney's fees against the board or commission.
- The action taken by the board or commission in violation of the Sunshine Law is now void ab initio, but can be remedied by holding a later, properly noticed public hearing.

# Quasi-Judicial Hearings

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- A board acting in a quasi-judicial capacity applies the existing land development regulations or comprehensive plan provisions to specific facts of a development application.
- Procedure for a quasi-judicial hearing:
  - Identify the applicable regulation
  - Identify the competent substantial evidence in the record that demonstrates compliance or non-compliance with the applicable regulation
  - Discuss how the facts (the evidence in the record of the public hearing) as applied to the applicable law result in compliance or non-compliance with the applicable regulation
  - Clearly state the conclusion: compliance or non-compliance

# Quasi-Legislative Hearings

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- A board acting in a quasi-legislative capacity is not applying facts to existing law, rather it is creating new law by changing what the Comprehensive Plan says
- Changing the future land use map or changing the text of the Comprehensive Plan creates a new general rule of policy that all future development will have to comply
- Amendments to comprehensive plans are legislative decisions even if there is a companion rezoning application and even if it really only affects a single piece of property
- Not appealed like quasi-judicial actions

# Review of Quasi-Judicial Hearings

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- After making a decision at a quasi-judicial hearing, that decision is reviewable by a Florida Court
- Generally, the review will be by filing a Petition for Writ of Certiorari in the Circuit Court
- In reviewing a Petition for Writ of Certiorari, the Court will analyze the following:
  - (1) whether the local government provided the parties with procedural due process in the quasi-judicial hearing;
  - (2) whether the local government observed the essential requirements of law; and
  - (3) whether the decision made by the local government was supported with competent substantial evidence

# Procedural Due Process

---

- Generally, procedural due process requires notice and the opportunity to be heard at the hearing
- Other components of procedural due process, depending on the factual situation could be the following:
  - The right to be informed of all of the facts upon which the decision is based
  - The right to an impartial decision maker
  - The right to present evidence and in some instances the right to cross-examine witnesses
- Section 286.011 of the Florida Statutes
  - “The board or commission must provide reasonable notice of all such meetings.”
  - No express standard See *Rhea v. City of Gainesville*, 574 So. 2d 221, 222 (Fla. 1st DCA 1991)

# Essential Requirements of Law

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- Generally means that the quasi-judicial decision maker followed the correct law.
- Haines City Comm. Dev. v. Heggs, 658 So. 2d 523 (Fla. 1995)

# Competent Substantial Evidence

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- Expert testimony
  - Testimony by lay persons is generally not competent substantial evidence on matters which are technical in nature (i.e., home values, traffic impacts, environmental impacts, flooding, etc.)
  - Can be written or oral testimony
  - Testimony by lay persons may be competent substantial evidence if the testimony concerns first-hand knowledge of facts or matters over which the lay person has particular or specialized knowledge
  - Lay person testimony about the character of an area is competent substantial evidence.
- Irrelevant evidence
  - Evidence that has no bearing on the question of compliance or non-compliance with the applicable regulations

# Ex Parte Communications

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- A hearing can only be fair if the evidence is known to all of the parties
- Ex parte or “off the record” contacts are the receipt of information by the quasi-judicial decision maker outside of the formal hearing process
- Florida law considers ex parte contacts to be presumptively prejudicial and will likely violate the due process rights of the applicant or other interested third parties. *Jennings v. Dade Cnty.*, 589 So. 2d 1337 (Fla. 3d DCA 1991).

# Florida Land Use Law

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- Federal Law – 5<sup>th</sup> Amendment to the United States Constitution (made applicable to the States through the 14<sup>th</sup> Amendment to the United States Constitution)
  - Takings claims
  - Due process claims
- Florida Law
  - Article X, Section 6 of the Florida Constitution
  - Chapter 70, Florida Statutes, (The Bert Harris Act)
  - Chapter 163, Part II, Florida Statutes (The Growth Management Act)
- Local Government Law
  - County Comprehensive Plan
  - County Land Development Regulations
  - Court review

# Federal Law

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- 5<sup>th</sup> Amendment, United States Constitution
  - “No person shall be . . . deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”
- Takings
  - Physical takings
  - Total regulatory taking
  - A taking involving a local government denial of all “investment backed expectations”
  - An unconstitutional land use exaction
- Due Process
  - Regulation must “substantially advance legitimate state interest”

# Florida Law

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- Article X, Section 6, Florida Constitution
  - (a) No private property shall be taken except for a public purpose and with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner
  - (b) Provision may be made by law for the taking of easements, by like proceedings, for the drainage of the land of one person over or through the land of another
  - (c) Private property taken by eminent domain pursuant to a petition to initiate condemnation proceedings filed on or after January 2, 2007, may not be conveyed to a natural person or private entity except as provided by general law passed by a three-fifths vote of the membership of each house of the Legislature
- Chapter 70, Florida Statutes (The Bert Harris Act)
  - Local regulations may not “inordinately burden” real property
- Chapter 163, Part II, Florida Statutes (Growth Management Act)
  - Must have comprehensive plan

# Local Government Law

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- Comprehensive Plan
  - Long-range planning document outlining where certain kinds of land uses will be located
  - Florida Law requires the creation of a comprehensive plan
  - Florida Law only allows a comprehensive plan to be amended twice a year (with a few limited exceptions)
    - Amendments must be internally consistent with the rest of the comprehensive plan
    - Amendments are “legislative” decisions, NOT quasi-judicial, which results in great deference from the courts
  - Florida Law requires that the comprehensive plan be reviewed and evaluated every 7 years

# Local Government Law (cont.)

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- Land Development Regulations
  - Carry out the specific requirements for use of land
    - Setbacks
    - Buffering
    - Lot sizes
    - Uses by right, conditional uses, uses allowed by special exception

# Questions?

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# Public Officer Conflicts of Interest

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KYLE J. BENDA

ASSISTANT COUNTY ATTORNEY

# Voting Requirements

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- Section 286.012, Florida Statutes

- A member of a state, county, or municipal governmental board, commission, or agency who is present at a meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may not abstain from voting in regard to any such decision, ruling, or act; and a vote shall be recorded or counted for each such member present, unless, with respect to any such member, there is, or appears to be, a possible conflict of interest . . .
- If the official decision, ruling, or act occurs in the context of a quasi-judicial proceeding, a member may abstain from voting on such matter if the abstention is to assure a fair proceeding free from potential bias or prejudice.

# Voting Requirements (cont.)

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- Section 286.012 lists the following possible conflicts of interests:
  - Section 112.311 – the legislative intent section, which outlines the basic principals regarding conflicts of interest
  - Section 112.326 – provides that local governments can enact more stringent standards
  - Section 112.313 – the actual standards of conduct for public officers and employees
  - Section 112.3143 – voting conflicts of interest
- Conflicts of interest relating to doing business with one's agency or having a conflicting contractual or employment relationship can be waived upon full disclosure to the governing body and two-thirds vote of that body

# Potential Conflict of Interest

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- Section 112.313, Florida Statutes
  - Standards of Conduct for Public Officers
    - Solicitation of Acceptance of Gifts
    - Doing Business with One's Agency
    - Unauthorized Compensation
    - Misuse of Public Position
    - Conflicting Employment or Contractual Relationship
    - Disclosure or Use of Certain Information

# Waiver of Conflicts of Interest

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- A conflict of interest created before an advisory board for (1) doing business with one's agency or (2) having a conflicting contractual or employment relationship can be waived upon full disclosure to the governing body and two-thirds vote of that body
- It is not a conflict of interest for doing business with one's agency or having a conflicting contractual or employment relationship IF:
  - Government business is transacted on a rotation system with all suppliers within the city or county
  - Government business is awarded under a system of sealed, competitive bidding and
    - The public official or official's spouse/child has in no way participated in the determination or attempted to use the official's influence to persuade the government to enter into such contract and the official filed a statement with the Florida Commission on Ethics before the bid is made
  - The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier
  - It is an emergency purchase made in order to protect the health, safety, or welfare of the citizens

# Waiver of Conflict of Interest (cont.)

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- It is not a conflict of interest for doing business with one's agency or having a conflicting contractual or employment relationship IF:
  - The business entity is the only source of supply within the city or county and there is full disclosure to the governing body before the purchase
  - The total amount of transactions in the aggregate for the year does not exceed \$500.00
  - The fact that a public officer is a shareholder of a bank does not bar the bank from qualifying as a depository of funds coming under the jurisdiction of the board
  - Certain transactions for research at state universities are exempted
  - A public officer can purchase goods in a private capacity from an entity doing business with the public officer's board (or subject to regulation by the board or governmental agency) so long as the public officer pays a price similar to other members of the public

# Solicitation or Acceptance of Gifts

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- Section 112.313(2)
  - No public officer, employee of an agency, local government attorney, or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby.

# Doing Business With One's Agency

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- Section 112.313(3), Florida Statutes
  - No employee of an agency acting in his or her official capacity as a purchasing agent, or public officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the officer or employee or the officer's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer's or employee's spouse or child, or any combination of them, has a material interest.

# Unauthorized Compensation

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- Section 112.313(4), Florida Statutes
  - No public officer, employee of an agency, or local government attorney or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer, employee, or local government attorney knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer, employee, or local government attorney was expected to participate in his or her official capacity.

# Misuse of Public Position

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- Section 112.313(6)
  - No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

# Conflicting Employment or Contractual Relationship

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- Section 112.313(7), Florida Statutes
  - No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

# Disclosure or Use of Certain Information

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- Section 112.313(8), Florida Statutes
  - A current or former public officer, employee of an agency, or local government attorney may not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

# Voting Conflicts

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- Section 112.3143, Florida Statutes – Voting Conflicts
  - Broader scope than conflicts of interest in 112.313
- Includes special private gain or loss to relatives, any principal by whom the officer is retained, the parent organization or subsidiary of a corporate principal by which the officer is retained, or any business associate of the public officer
- “Relative” means “any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law”
- Principal by whom retained means an individual or entity who pays something of value to another and permitted or directed that person to act on behalf of the entity

# Voting Conflicts

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- A public officer may not vote on any matter which the officer knows would inure to his or her special private gain or loss
  - Or that would inure to a principal by whom the officer is retained
  - Or that would inure to a relative or business associate of the public officer
- Must be disclosed by memorandum before the public meeting
- If unknown prior to the meeting, then must be disclosed at the meeting and its minutes and then a memorandum must be filed within 15 days of the meeting

# Voting Conflicts (cont.)

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- A state public officer may not vote on any matter that the officer knows would inure to his or her special private gain or loss.
- “Special private gain or loss” means an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:
  - The size of the class affected by the vote.
  - The nature of the interests involved.
  - The degree to which the interests of all members of the class are affected by the vote.
  - The degree to which the officer, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.

# Questions?

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