

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 12, 2023
Board of County Commissioners: July 11, 2023

APPLICANT: Joseph Perry

FILE NUMBER: H-23-12

REQUEST: Rezoning from R-2 (Residential) to R-1A (Residential)

GENERAL LOCATION: South side of the western terminus of Ganz Drive

PARCEL KEY NUMBERS: 480679

APPLICANT'S REQUEST

The petitioner is requesting a rezoning of the subject property from R-2 (Residential) to R-1A (Residential) to utilize an RV during the construction of the primary home. The County LDRs allow an RV on a parcel during construction if the parcel allows for mobile homes. The R-1A (Residential) allows for both mobile homes and single-family site-built homes. The petitioner has not indicated a construction schedule.

If the rezoning is approved, the petitioner shall be required to obtain a separate temporary RV placement permit through the Planning and Zoning Division before locating the RV on the site.

SITE CHARACTERISTICS

Site Size: 0.5 acres

Surrounding Zoning & Land Uses:

North:	R2; Mobile Home
South:	City; Mobile Homes, RV's
East:	R-1A; Undeveloped
West:	Mining; Undeveloped

Current Zoning: R-2 (Residential)

Future Land Use Map Designation: Residential

ENVIRONMENTAL REVIEW

- Soils:** Micanopy Loamy Fine Sand, Kendrick Fine Sand, Flemington Fine Sandy Loam
- Protection Features:** There are neither Protection Features (Wellhead Protection Areas (WHPA) nor Special Protection Areas (Special Protected Areas (SPAs) on this site according to county data.
- Hydrologic Features:** There is a Class 1 Wetland on the western side of the property according to the Hernando County Comprehensive Plan and should not be altered. A wetland jurisdictional line needs to be shown on future site plans.
- Flood Zone:** X

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) has reviewed this application and indicated that the property is located within the City of Brooksville Utility Department's (CBUD) first right to serve district; contact CBUD for any utility related comments.

ENGINEERING REVIEW

The subject site is located on the south side of the western terminus of Ganz Drive. The County Engineer has reviewed the petitioner's request and has indicated the following:

- This site contains an area of 1% annual chance floodplain along the top of the channel bank on the westerly side of the site.
- No drainage or traffic issues.

LAND USE REVIEW:

Building Setbacks

Minimum Building Setbacks:

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

Comment: The use of an RV on the subject site once rezoned to R-1A (Residential), will be subject to all appropriate permit requirements through the Planning and Zoning Division. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.

COMPREHENSIVE PLAN REVIEW:

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.

Comments: The parcel is within the Residential Land Use classification and is surrounded by residential parcels of similar zoning and uses. The proposed rezoning is consistent with the strategies for residential density and the pattern of land development within the surrounding area.

Wetlands

Objective 10.03B: Hernando County wetlands are important to the maintenance of groundwater, freshwater and marine ecosystems and shall be protected to the greatest extent possible consistent with state and federal regulations to avoid compromising wetland functions.

Strategy 10.03B(2): Hernando County shall only allow the alteration of Class I Wetlands consistent with the requirements of state and federal regulatory agencies. Alteration includes but is not limited to filling, draining, excavating or interruption of flow into or out of the wetland. Class I Wetlands meet at least one of the following criteria:

- a. Wetlands contiguous to or hydrologically connected with any natural surface water body including, but not limited to rivers, creeks, lakes and tidal waters;
- b. Any wetland having a hydrological connection to the Floridan aquifer;
- c. Any wetland within or hydrologically connected to a lake littoral zone;
- d. Any contiguous extent of wetlands of forty (40) acres or more;
- e. Wetlands that serve as known nesting, resting or feeding areas of federal or state listed species.

Comments: The applicant should not encroach into the wetlands. Any temporary or permanent structure on the site must be located outside of the wetland demarcation line.

FINDINGS OF FACT

The request for a rezoning from R-2 (Residential) to R-1A (Residential) is appropriate based on consistency with the County's adopted Comprehensive Plan and 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 Concurrence. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowner associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

STAFF RECOMMENDATION

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from R-2 (Residential) to R-1A (Residential).