

REZONING CASE H-24-16

STAFF REPORT

RECOMMENDATIONS/ACTIONS

STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION JULY 3, 2024

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from R-1C (Residential) to AR (Agricultural/Residential) listed in **Appendix A** of this Staff Report.

PLANNING & ZONING COMMISSION JULY 8, 2024

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

INTRODUCTORY INFORMATION

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

APPLICANT: Douglas F. DiMartina Jr and Elyse A. DiMartina

FILE NUMBER: H-24-16

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

GENERAL LOCATION: South side of the eastern terminus of Thames Avenue

PARCEL KEY NUMBER: 418373

APPLICANT'S REQUEST

The petitioner is requesting a rezoning of their 2.5 acre parcel (two parcels combined) from R-1C (Residential) to AR (Agricultural/Residential). The petitioner has indicated a desire to have a miniature cow on the property. The subject site currently has a 3,358 square foot home.

SITE CHARACTERISTICS:

Site Size: 2.5 acres

Surrounding Zoning & Land Uses:

North:	CPDP; Undeveloped (Seville)
South:	R-1C; (Residential)
East:	AG; (Residential)
West:	R-1C (Residential)

Current Zoning: R-1C (Residential)

Future Land Use Map Designation: Residential

UTILITIES REVIEW

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

ENGINEERING REVIEW:

The subject property is located at the south side of the eastern terminus of Thames Avenue and has an existing home and driveway. The County Engineer has reviewed the proposed rezoning and indicated no engineering related concerns.

LAND USE REVIEW:

Minimum AR (Agricultural/Residential) Building Setbacks:

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

The AR district is designed to allow the continued development of low-density, single-family housing. The Hernando County Code of Ordinances, Appendix A, Article IV, Section 13 identifies the permitted uses within the AR 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.

(b) Agricultural/residential:

- i. Single-family dwellings

COMPREHENSIVE PLAN REVIEW:

The subject is located within the Residential Land Use designation on the County's adopted Comprehensive Plan. The petitioner's parcel is located in small R1-C (Residential) pocket along the northern portion of Royal Highlands. Parcels within the R1-C area are 1.0 acre, with the exception of several parcels which have been merged to create 2.0 and 4.0 acre parcels. A rezoning from R-1C (Residential) to AR (Agricultural/Residential) is compatible with the adjacent parcels and the rural nature of the area.

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 Residential land use classification and is part of London Terrace, a 64 lot residential subdivision. The proposed rezoning has limited agriculture uses and is consistent with the land development patterns in the surrounding area.

FINDINGS OF FACT:

A rezoning from R-1C (Residential) to AR (Agricultural/Residential) is appropriate based on consistency with the County's adopted Comprehensive Plan and compatibility with the rural nature of 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.

APPENDIX A
STAFF RECOMMENDATION TO PLANNING AND ZONING
COMMISSION

APPENDIX A – STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION:

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-1C (Residential) to AR (Agricultural/Residential).

**APPENDIX B
PLANNING AND ZONING COMMISSION
ACTION**

APPENDIX B –PLANNING & ZONING COMMISSION ACTION:

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