

STAFF REPORT

HEARINGS: Planning & Zoning Commission: December 12, 2022
Planning & Zoning Commission: January 9, 2023
Board of County Commissioners: January 10, 2023
Board of County Commissioners: February 14, 2022

APPLICANT: Jesus Espinal

FILE NUMBER: H-22-75

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

GENERAL LOCATION: West side of Shasta Street, approximately 355' north of its intersection with Square Stone Street

PARCEL KEY: 21381

APPLICANT'S REQUEST:

To rezone his property on Shasta Street from R-1C to AR-2 for the purpose of placing a mobile home on the property.

BACKGROUND:

The subject parcel is in the Ridge Manor subdivision. The lot that abuts the subject parcel to the south was rezoned to AR-2 in 2018 to allow livestock on the property and to provide more than one housing option on the property. A second parcel located approximately 660' west of the subject parcel, was also rezoned to AR-2 in 2018 for the same reason.

Staff is comfortable with the petitioner's request because there are two other parcels within 700' of the subject parcel that have been rezoned to AR-2.

SITE CHARACTERISTICS:

Site Size: 1.2 acres

Surrounding Zoning & Land Uses:

North: R-1C, Undeveloped
South: AR-2, Undeveloped
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 0 to 5% slopes

Candler Fine Sand provides habitat suitable for gopher tortoises (a listed species) and commensal species. If gopher tortoise borrows cannot be avoided when locating/installing the mobile home, a Florida Fish and Wildlife Conservation Commission (FWC) Permit may be required.

Protection Features: There are no Wellhead Protection Areas (WHPAs), no Priority Focus Areas (PFAs), and no Special Protected Areas (SPAs) present on the subject property.

Hydrologic Features: There are no sinkholes present on the property.

Habitat: The habitat on the property is designated as "Urban Open Land" 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: The property is not within the Basin Action Management Plan (BMAP) designated area, a Priority Focus Area (PFA), or an Outstanding Florida Springs (OFS) area.

Flood Zone: X

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 from R-1C to AR-2 to allow a manufactured home on site, subject to Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System.

ENGINEERING REVIEW:

The subject property is on the west side of Shasta Street, approximately 355' north of its intersection with Square Stone Street. The County Engineer has reviewed the petitioner's request and provided the following comments:

- This site is outside the floodplain. Access may be limited by flooding.
- Shasta Street is a County maintained, residential, paved roadway.
- Driveway apron shall be installed to Hernando County Facility Design Guideline IV-26- Residential Connection Standards.

LAND USE REVIEW:

Minimum AR (Agricultural/Residential) 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. 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.

- (b) 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, agro-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.

Comment: The parcel is within the Rural land use classification and is surrounded by residential parcels that are 1.2 acres. 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 appropriate based on consistency with the County's adopted Comprehensive Plan and the development patterns within the Ridge Manor Subdivision, subject to the staff report.

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