

STAFF REPORT

HEARINGS: Planning & Zoning Commission: December 11, 2023
Board of County Commissioners: January 9, 2024

APPLICANT: Samuel Medina Rivera & Ady Garcia Rabeiro

FILE NUMBER: H-23-38

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

GENERAL LOCATION: West side of Norman Street, approximately 650' northwest of Smallman Street

PARCEL KEY NUMBER: 856513, 856504

APPLICANT'S REQUEST

The petitioner is requesting a rezoning of this property from R-1C (Residential) to AR (Agricultural/Residential) for the ability to farm and have farm animals on their 2.31 acres for personal consumption. The subject site is a combination of two (2) undeveloped parcels. The petitioner has not indicated a timeframe for construction.

SITE CHARACTERISTICS

Site Size: 2.31 acres

Surrounding Zoning & Land Uses: North: R-1C; Undeveloped
South: R-1C; Developed Residential
East: R-1C; Undeveloped
West: R-1C; Undeveloped

Current Zoning: R-1C (Residential)

Future Land Use Map Designation: Rural

UTILITIES REVIEW

Hernando County Utilities Department (HCUD) reviewed the application 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 request.

ENGINEERING REVIEW

The subject property is located on the West side of Norman Street, approximately 650' northwest of Smallman Street. The County Engineer reviewed the petitioner's request and indicated a southern portion of these properties is within Flood Zone "AE". Development within floodplain requires specific permitting and mitigation.

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 site is within the Rural land use designation; the permitted uses within the AR (Agricultural/Residential) district are consistent with the goals, objectives, and strategies of this land use designation.

FINDINGS OF FACT

The request for a rezoning from R-1C (Residential) to AR (Agricultural/Residential) is appropriate based on the following:

- The request for AR (Agricultural/Residential) zoning is consistent with the Comprehensive Plan and compatible with the surrounding land uses.

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 for a rezoning from R-1C (Residential) to AR (Agricultural/Residential)