

STAFF REPORT

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

APPLICANT: Gary Ellebracht

FILE NUMBER: H-23-50

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

GENERAL LOCATION: Northern terminus of Bareva Road, approximately 175' from its intersection with Ruffed Grouse Road.

PARCEL KEY NUMBER: 329291

APPLICANT'S REQUEST

The petitioner requests a rezoning of the subject property from R-1C (Residential) to AG (Agricultural) for the purpose of having an equestrian facility and a single-family residence. Barns, stables, sheds, and fences are permitted uses in the AG district. Commercial riding stables, horse shows, rodeos are permitted in the AG district through the Special Exception process. No special exception application has been filed to date for the subject property.

SITE CHARACTERISTICS

Site Size: 39.8 acres

Surrounding Zoning & Land Uses:

North:	R-1C (Residential); Single Family Residence
South:	R-1C (Residential); Single Family Residence
East:	R-1C (Residential); Single Family Residence
West:	R-1C (Residential); Single Family Residence

Current Zoning: R-1C (Residential)

Future Land Use Map Designation: Rural

ENVIRONMENTAL REVIEW

- Soils:** Lake Fine Sand 0 to 5% slopes, Candler Fine Sand 0-5% slopes
- Comment:** 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 and submitted during the construction plans stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.
- 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 are no Hydrologic Features (Sinkholes, Karst Sensitive Areas, and Wetlands) on this property according to county data.
- Habitat:** The subject 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).
- Comment:** Gopher tortoise removal is not necessary when using property for single family and agricultural uses. Be aware that the presence of gopher tortoise on the subject parcel is highly likely. Before any construction on the property occurs, please contact FWC to see if there are any permits or documentation that need to be provided or applied for. If bush-hogging or clearing land, please be sure to follow the FWC regulations.
- Water Quality:** This project is located within the Chassahowitzka-Homosassa Basin Action Management Plan, the Springs Priority Focus Area and the Chassowitzka Spring Group according to data maintained by the Florida Department of Environmental Protection (FDEP).
- Comment:** Please follow Florida Friendly Landscaping techniques and proper fertilizer to ensure no damage is caused to the water table. Information about these programs is available through HCUD.
- Flood Zone:** The subject property is in the X flood plain with a small portion of AE on a northern portion of the property.

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) reviewed the application and provided the following comment: Water and sewer service are not available to this parcel; HCUD has no objection to the

requested zoning change from R1C to AG to allow construction of a residence and equestrian facility, subject to Health Department approval of appropriate Onsite Sewage Treatment and Disposal System for the parcel.

ENGINEERING REVIEW

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

- This site contains an area of Flood Zone "AE, (El. 72.5) in the north half of the site.
- Soils present are sandy and have poor water retention.

The County Engineer also wants to convey that if a special exception is sought for commercial use of the property, or if the equestrian facilities are open to the public, a commercial driveway connection, and handicap parking, will be required.

LAND USE REVIEW

The allowable land uses for the AG (Agricultural) district are:

A. *Agricultural District:*

(1) *Permitted Uses:* The following permitted uses shall apply in the agricultural district:

- (a) Animal specialty establishment;
- (b) Farming and farming service establishments;
- (c) Fisheries;
- (d) Forestry and forestry service establishments;
- (e) Horticultural specialty farms;
- (f) Hunting, trapping and game propagation;
- (g) Landscaping service establishment;
- (h) Single-family dwelling;
- (i) Mobile Home, provided that such mobile home meets all of the regulations, requirements and provisions of this ordinance for minimum living area within the zoning district;
- (j) Land Application of Domestic Septage, provided that such operation meets all of the special regulations, requirements and provisions of this ordinance for operation and siting and applicable Florida Statutes, Administrative Rules, and provisions of the Hernando County Code of Ordinances;
- (k) Wildlife management activities;
- (l) Resource-oriented recreational activities;
- (m) Aquaculture.

(2) *Permitted accessory structures and uses:* The following permitted accessory structures and uses apply to all agricultural districts:

- (a) Agriculture buildings or structures accessory to the principal permitted use of the premises;
- (b) Single-family dwellings to house the owner or operator, his family, or hired workers who work on a bona fide agricultural operation, which are accessory to the principal permitted use of the premises;
- (c) Carport, garage or other buildings not used as a dwelling and customarily incidental to the principal permitted use of the premises;
- (d) Accessory uses customarily incidental to the principal permitted use of the premises;
- (e) Signs identifying the name and type of permitted agricultural activity conducted on the same premises;
- (f) Portable storage structures are allowable in conjunction with the permitted use provided they are not visible from the street. If the portable storage structures are placed adjacent to a residentially zoned property, the portable storage structure must be shielded from view;
- (g) Sales on the premises of permitted agricultural products and services produced on the premises: provided that where such products or services are sold from roadside stand, such stand shall be set back a safe distance from any public street right-of-way and shall be provided with 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.

COMPREHENSIVE PLAN REVIEW

The AG district is consistent with the Rural Future Land Use designation. The request is consistent with the surrounding area and the comprehensive plan.

FINDING OF FACTS

1. The agricultural zoning district is consistent with the Rural future land use.
2. A special exception must be granted for commercial activities on the property, providing the neighbors and the County the opportunity to address any site alterations that are needed to open the property up to the public.

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 AG (Agricultural).