

STAFF REPORT

HEARINGS: Planning & Zoning Commission: September 12, 2022
Board of County Commissioners: October 11, 2022

APPLICANT: Salvatore and Vanessa DeFranco

FILE NUMBER: H-22-45

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

GENERAL

LOCATION: South side of Budowski Road, approximately 1,590' west of Citrus Way

PARCEL KEY

NUMBER: 828769

APPLICANT'S REQUEST:

The subject site is currently zoned R-1A (Residential District). The petitioner is requesting a rezoning to AR (Agricultural/Residential) to have a large garden/ mini farm for fruits, vegetables, and herbs. The petitioner is planning on planting citrus trees and would like to be allowed chickens and pigs for personal (family) use. In the future, the petitioner would like to have a small roadside produce stand with off-street parking. The property is currently undeveloped.

SITE CHARACTERISTICS:

Site Size: 3.0 acres

Surrounding Zoning

Land Uses:

North: R-1A (Residential District), Single-Family Residential

South: R-1A (Residential District) and AG (Agriculture), Single-Family Residential

East: R-1A (Residential District), Single-Family Residential

West: R-1A (Residential District), Single-Family Residential

Current Zoning: R-1A (Residential District)

Future Land Use

Map Designation: Rural

ENVIRONMENTAL REVIEW:

- Soil Type:** Nobleton Fine Sand
- Features/Resources:** The property does not contain Special Protection Areas (SPA), Well Head Protection Area (WHPA), or archaeological sites.
- Habitat:** Mixed hardwood-coniferous and residential low density 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 subject property is within the Chassahowitzka Priority Focus Area for the Chassahowitzka River Basin Management Action Plan (BMAP) and subject to a nutrient Total Maximum Daily Load (TMDL) for nitrate. Florida friendly landscaping is recommended as well as a review of the county Fertilizer Ordinance.
- Flood Zone:** X (Area of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods.)

UTILITIES REVIEW:

The Hernando County Utilities Department 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 R1A to AR to allow a mini-farm with vegetables, fruit and some livestock

ENGINEERING REVIEW:

The subject site is located on the south side of Budowski Road, approximately 1,590' west of Citrus Way. The petitioner has approximately 200' of frontage and proposes two access points at either end of the property. The County Engineer has reviewed the petitioner's request and has indicated the following

- This property is entirely within the 1% annual chance floodplain. Access to the site is within the floodplain. Development within the floodplain requires specific permitting and mitigation.
- Driveways to be installed to meet County Standards. The Gates will have to swing onto property and not out in the Right-of-Way, stacking of vehicles in right of way to access gate is not permitted.

- Off street parking may require additional rezoning and or site plan review for any required improvements.

LAND USE REVIEW:

Setbacks:

Minimum AR (Agricultural/Residential) Building Setbacks:

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

Permitted Uses:

The AR (Agricultural/Residential) 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 (Agricultural Residential) zoning district as follows:

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.

Special Regulations

The applicant has expressed the desire to have a roadside stand and a small number of livestock on the property. For these uses on the subject property, Appendix A, Article IV, Section 13 (5) outlines the following special regulations:

- (a) No odor nor dust producing substance nor use, except in connection with cultivation of permitted uses, shall be permitted within seventy-five (75) feet of a property line.
- (b) No products shall be publicly displayed nor offered for sale from the roadsides unless produced on the premises or a conditional use permit is obtained from the administrative official.
- (c) All accessory buildings shall be located at least ten (10) feet from the side or rear property lines, or no closer to the front property line than the front yard requirement for the district. If a single-family dwelling is on, or will be on the premises in the future, the accessory building shall be no nearer than fifteen (15) feet to such dwelling.
- (d) Detached accessory structures which have impervious roof coverings shall meet the minimum yard requirements for accessory buildings in the district.
- (e) Accessory buildings or structures five (5) feet or less in height, and smaller than forty (40) square feet in size shall not be required to obtain a zoning permit. Such buildings or structures must meet the minimum yard requirements for accessory buildings in the district.
- (f) There are no minimum yard standards for wellhouses as defined in this ordinance.

Comments: The applicant’s desire to create a small farm (including a single-family home) is consistent with the future land use designation of “Rural” and is compatible with the surrounding land uses of single family residential. The conditional uses in the AR district allows for retail sales of agricultural products not produced on the premises. In the future, if the applicant would like to include agricultural products not produced on the premises, they will need to apply for a conditional use permit.

COMPREHENSIVE PLAN REVIEW:

The subject site is within the Rural future 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:

A rezoning from R-1A (Residential) to AR (Agricultural/Residential) is appropriate based on consistency with the County's adopted Comprehensive Plan and the surrounding land uses 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 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 RECOMMENDATIONS:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving a rezoning from R-1A (Residential) to AR (Agricultural-Residential) in accordance with the staff report.