

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: February 10, 2025  
Board of County Commissioners: April 3, 2025  
Planning & Zoning Commission: June 9, 2025  
Board of County Commissioners: August 5, 2025

**APPLICANT:** Southern Valley Homes

**FILE NUMBER:** H-24-71

**REQUEST:** AR-2(Agricultural Residential 2) to AC (Agricultural Commercial)

**GENERAL LOCATION:** North side of Wiscon Road, approximately 670' east of California Street

**PARCEL KEY NUMBER(S):** 345736

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### APPLICANT'S REQUEST

The petitioner's request is to rezone the subject 9.5-acre site from AR-2 (Agricultural Residential 2) to AC (Agricultural Commercial). The petitioner intends to construct an Agricultural Commercial Complex built in phases to allow individuals to sell agricultural products or equipment.

Subsequent to the Board of County Commissioners meeting on April 3, 2025, the petitioner submitted a revised narrative and master plan that reoriented the site as an open-air farmers market with pavilions and parking creating a unified project that will blend in with the existing agricultural uses surrounding the site.

Due to multitude of permitted uses within the AC (Agricultural Commercial) district and the subject site's location within an agricultural/agricultural-residential area, staff is recommending converting the petitioner's request to a Planned Development Project to appropriately condition the project. Staff recommendation to approve a Rezoning from AR-2 to PDP (RUR) with specific AC (Agricultural Commercial) Uses.

### Deviations Requested:

**Lot Size:** Deviation from 5 acres to 9.20 acres

### SITE CHARACTERISTICS

**Site Size:** 9.5 acres

#### Surrounding Zoning;

**Land Uses:** North: AR; Single Family, Undeveloped  
South: AC, AR; Single family  
East: AR; Thrift store; Single Family  
West: AR; Undeveloped

**Current Zoning:** AR-2 (Agricultural Residential 2)

**Future Land Use****Map Designation:** Rural**ENVIRONMENTAL REVIEW**

The primary soil type for the site is Micanopy Loamy Fine sand. The subject property does not contain any wetlands, Special Protection Areas (SPA), or Wellhead Protection Areas (WHPA) according to County data resources.

Equipment that contains fluids (gas or oil) with the potential to leak or spill (such as a generator) are not to be stored on the bare ground or outside. The petitioner will have to register with the County's Small Quantity Generator Program in the Utilities Department and handle fluids in accordance with State regulations.

**UTILITIES REVIEW**

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel; however, water service is available to this parcel. Sewer service is not available to this parcel. HCUD has no objection to the request, subject to the development connecting to the central water system at time of vertical construction and Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System for the development.

**Comments:** The petitioner shall be required to apply to the Florida Department of Health in Hernando County for an Onsite Sewage Treatment and Disposal System permit at the time of site development permitting.

**ENGINEERING REVIEW**

The subject site is located on the north side of Wiscon Road, approximately 670' east of California Street. The petitioner is proposing a single access to Wiscon Road. The County Engineer has reviewed the request and indicated the following:

- Wiscon Road is classified as a collector roadway. Collector roads require sidewalks. Sidewalks shall be required along the entire frontage of a collector Road.
- The buildings are to be connected via sidewalk to the future sidewalk constructed along Wiscon Road.
- Provide documentation that demonstrates the proposed trip generation per phase. Traffic Access Analysis may be required in future phases based on the specific use trip generation.
- The proposed project is in the peck sink watershed, which is an administrative watershed. There appears to be floodplain contained on the parcel and offsite flow which should be factored into design.

**Comments:** The petitioner shall be required to provide the trip generation rates at the time of site development to determine if a Traffic Access Analysis is required for the project.

**LAND USE REVIEW**

The petitioner is proposing to rezone the entire 9.2-acre parcel to Agricultural Commercial. Staff is recommending converting the rezoning to PDP(RUR) Planned Development Project (Rural). This will allow for Agriculture Commercial uses and performance conditions to protect the surrounding Agricultural Residential parcels. The PDP(RUR) Planned Development Project (Rural) zoning classification allows specific uses to be identified within the master plan.

**Permitted Uses**

Permitted uses in an AC (Agricultural Commercial) District are as follows:

- Building material establishments.
- Convenience stores.
- Custom slaughtering establishments.
- Feed stores.
- Garden supply and nurseries.
- General dry goods stores.
- Landscape services.
- Produce markets.
- Veterinarian clinics.

**Comments:** The petitioner is proposing an open-air farmers' market. Staff recommends the specific AC (Agricultural Commercial) uses for the site based on that use:

- Produce Market
- General Dry Goods Stores
- Garden Supply and Nurseries

These uses will all be incorporated into the open-air farmers' market as identified in the associated proposed master plan.

No individual retail establishments will be permitted outside the produce market. Any request to alter or increase the development intensity of the site will require a revision to the master plan.

**Building Setbacks:**

The minimum setbacks for the AC (Agricultural Commercial) district are as follows:

- Front: 75'
- Side: 35'
- Rear: 50'

**Comments:** If the master plan is approved, the petitioner shall be required to meet the minimum setbacks of the AC district.

**Perimeter Setbacks:**

The minimum perimeter setbacks for the PDP(RUR) Planned Development Project (Rural) zoning classification are as follows:

- Front 50'

- Side 10'
- Rear 35'

**Comments:** If the master plan is approved, the petitioner shall be required to meet the minimum perimeter setback for this PDP district.

### **Landscaping:**

The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.

### **Buffers**

The petitioner has indicated that they will be adding a 10' vegetive buffer around the perimeter of the parcel. Existing vegetation will be utilized as much as possible.

**Comments:** The Hernando County Land Development Regulations require that buffer be placed between a Planned Development Project land use which is multifamily or non-residential and a land use, external to the PDP, which is residential, agricultural-residential or agricultural.

The buffer shall consist of a minimum five-foot landscaped separation distance. The multifamily or nonresidential use located on such lot shall be permanently screened from the adjoining and contiguous properties by a wall, fence, and/or approved enclosures. Such screening shall have a minimum height of five (5) [feet] and a maximum height of eight (8) feet, or an evergreen hedge with a minimum height of five (5) feet at the time of planting.

If the master plan is approved, the petitioner shall be required to supplement the 10' vegetative buffer with a wall, fence and/or approved enclosure. This supplemental buffering may be determined at the time of site development and shall be placed on the interior of the landscaping.

### **Screening:**

The petitioner has requested AC Agricultural Commercial, which includes building material establishments, general dry good stores, landscape services, garden supply and nurseries with indoor and outdoor storage.

**Comments:** The petitioner shall screen the parcel by an opaque fence, wall of opaque landscaping at a height that will effectively screen the storage from adjoining streets and properties. No outside storage is allowed within the minimum building setback from an adjoining street. The height of any items stored shall not exceed that of the perimeter screening.

### **Lighting**

County Land development regulations (LDRs) require lighting that enhances the visual impact of the project on the community and to specifically address lighting intensity levels and glare accordingly. Commercial buildings and projects shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles.

**Comments:** The petitioner has not indicated any provisions for lighting of the subject property.

If approved, the petitioner should be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring residential uses.

## **COMPREHENSIVE PLAN REVIEW**

The subject property is currently designated Rural by the Comprehensive Plan and is located in an area characterized by rural residential development.

### **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.

### **Specialty Commercial**

**Strategy 1.04G(11):** Specialty Commercial areas are recognized but generally not depicted on the Future Land Use Map due to their small size and specialized function. The County will provide for land use regulations that recognize and encourage specialty commercial uses important to the traditional economic base, including Agricultural Commercial, Marine Commercial and Heavy Commercial uses.

**Strategy 1.04G(12):** Agricultural Commercial uses may be allowed in the Rural Category to serve rural and agricultural communities subject to the following criteria:

- have access to a roadway that is currently functionally classified as a collector or greater;
- be proximate to and serve agricultural activities;
- be no greater than five acres in area.

### **Planned Development Projects and Standards**

**Objective 1.10C:** Planned Development Project (PDP) zoning introduces flexibility to the land development process. The PDP is developed as a zoning district that may include multiple land uses and provides for the mitigation of impacts through performance standards. The PDP process may be used in any Future Land Use Category.

**Strategy 1.10C(1):** A Planned Development Project (PDP) is designed as an integral unit with one or more land uses utilizing a Master Plan to illustrate and describe the site layout and characteristics including, but not limited to, uses and use restrictions, density and intensity, site and building layout and design, site coverage and designated open space, construction and phasing plans, and other detailed information about the project.

**Strategy 1.10C(2):** Delineation of the allowable density and/or intensity of development shall be contingent upon the ability to provide the adopted level of service of public services and facilities concurrent with project development as

outlined in the adopted land development regulations.

**Comments:** AC (Agricultural Commercial) is an allowed use in the Rural Land use designation. The proposed rezoning is consistent with the Rural Future Land Use category.

## FINDINGS OF FACT

The request to rezone from AR-2 (Agricultural Residential 2) to AC (Agricultural Commercial) is inappropriate based on the following:

1. Staff is recommending converting the zoning from the requested AC (Agricultural Commercial) to PDP(RUR)Planned Development Project (Rural) to allow for performance conditions for lighting, landscape buffers, setbacks, and Protection Standards for the neighboring parcels.
2. PDP(RUR)/Planned Development Project (Rural) is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.

## 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.*

## SUMMARY OF STAFF AND BOARD ACTIONS:

**Initial Staff Recommendation:** It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution denying the petitioners' request for a rezoning from AR-2(Agricultural Residential 2) to AC(Agricultural Commercial) and approve a rezoning from AR-2(Agricultural Residential 2) to PDP(RUR) Planned Development Project (Rural) with all AC/(Agriculture Commercial) with performance conditions.

**P&Z Action:** On February 10, 2025, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners postpone the petitioners' request for a rezoning from AR-2(Agricultural Residential 2) to AC(Agricultural Commercial) and to permit the petitioner to address staff's recommendations AR-2(Agricultural Residential 2) to PDP(RUR) Planned Development Project (Rural) with all AC/(Agriculture Commercial).

**BOCC ACTION:** On April 3, 2025, the Board of County Commissioners postponed the petitioner's request for a rezoning from AR-2(Agricultural Residential 2) to AC(Agricultural Commercial) and to permit the petitioner to address staff's recommendations AR-2(Agricultural Residential 2) to PDP(RUR) Planned Development Project (Rural) with all AC/(Agriculture Commercial).

**P&Z Action:** On April 14, 2025, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners postpone the petitioners' request for a rezoning from AR-2(Agricultural Residential 2) to AC(Agricultural Commercial) and to permit the petitioner to address staff's recommendations AR-2(Agricultural Residential 2) to PDP(RUR) Planned Development Project (Rural) with all AC/(Agriculture Commercial).

**REVISED STAFF RECOMMENDATION (FOR JUNE 9, 2025, PLANNING AND ZONING COMMISSION):**

It is recommended that the Planning and Zoning Commission deny the petitioner's request for a rezoning from AR-2 (Agricultural Residential 2) to AC (Agricultural Commercial) and convert the petitioner's request to a rezoning from AR-2 (Agricultural-Residential 2) to Planned Development Project (Rural) with deviations and the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. Equipment that contains fluids (gas or oil) with the potential to leak or spill (such as a generator) shall not be stored on the bare ground or outside. The petitioner shall register with the County's Small Quantity Generator Program in the Utilities Department and handle fluids in accordance with State regulations.
3. The petitioner shall apply to the Florida Department of Health in Hernando County for an Onsite Sewage Treatment and Disposal System permit at the time of site development permitting.
4. The petitioner shall provide the trip generation rates at the time of site development to determine if a Traffic Access Analysis is required for the project.
5. Wiscon Road is classified as a collector roadway. Collector roads require sidewalks. Sidewalks shall be required along the entire frontage of a collector Road.
6. The buildings are to be connected via sidewalk to the future sidewalk constructed along Wiscon Road.
7. The proposed project is in the Peck Sink watershed, which is an administrative watershed. The petitioner shall factor floodplain and offsite flow into site design.
8. The petitioner shall be limited to the following Agricultural Commercial uses, incorporated into an open-air farmers' market design:
  - Produce Market
  - General Dry Goods Stores
  - Garden Supply and Nurseries

No individual retail establishments will be permitted outside the produce market. Any request to alter or increase the development intensity of the site will require a revision to the master plan.

9. The petitioner shall be permitted to develop the entirety of the 9.2-acre site in accordance with SWFWMD and County regulations.
10. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.
11. The petitioner shall maintain and/or enhance the buffer along the entire perimeter of the site to achieve a 10' width at 80% opacity. As the site is located adjacent to agricultural-residential uses, the petitioner shall be required to supplement the 10' vegetative buffer with a wall, fence and/or approved enclosure. This supplemental buffering may be determined at the time of site development and shall be placed on the interior of the landscaping.
12. Minimum Building Setbacks:
  - Front: 75'
  - Side: 35'
  - Rear: 50'
13. Minimum Perimeter Setbacks:
  - Front 50'
  - Side 10'
  - Rear 35'
14. The applicant shall be required to provide adequate parking in accordance with the Land Development Regulation at the time of site plan approval.
15. The petitioner shall provide a master plan in compliance with all performance conditions within 30 calendar days of receiving staff comments related to the county BOCC approval. Failure to submit the revised plan will result in no further development permits being issue