

## STAFF REPORT

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### INTRODUCTORY INFORMATION

**HEARINGS:** Planning & Zoning Commission: August 12, 2024

**APPLICANT:** Michael and Tammy Gallo

**FILE NUMBER:** H-24-30

**REQUEST:** Rezoning from AR-2 (Agricultural/Residential) and AG (Agricultural) to AR (Agricultural/Residential)

**GENERAL LOCATION:** West side of Neff Lake Road, approximately 2,311' south of its intersection with Powell Road

**PARCEL KEY NUMBER:** 390400

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### APPLICANT'S REQUEST

The petitioner is requesting a rezoning of this property from AR-2 (Agricultural/Residential) and AG (Agricultural) to AR (Agricultural/Residential) zoning in order to subdivide the property in the future to nine (9) 2.5 acres to 4.0 acre lots.

### SITE CHARACTERISTICS

**Site Size:** 29.30 Acres

**Surrounding Zoning:  
Land Uses:**

North: AR2; Undeveloped, Single Family  
South: AG; Undeveloped (lake)  
East: AG; Undeveloped (lake)  
West: AG; Undeveloped, Single Family

**Current Zoning:** AG(Agricultural/Residential); AR-2(Agricultural/Residential)

**Future Land Use  
Map Designation:** Rural

### UTILITIES REVIEW

Hernando County Utilities Department (HCUD) does not currently supply water or sewer to these parcels. Water and sewer service are not available to this parcel. HCUD has no objection to the submitted rezoning change.

**ENGINEERING REVIEW**

The subject parcel is located on the west side of Neff Lake Road, approximately 2,311' south of its intersection with Powell Road. The petitioner is proposing nine (9) potential 2.5 acre lots with access to Neff Lake Road. The County Engineer has reviewed the petitioner request and has indicated the following:

- Paved access connection(s) shall be required.
- The petitioner shall follow the subdivision Class development requirements, for access (access tracts).

**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 is consistent with the goals, objectives and strategies of this land use designation. The area is categorized by agricultural and agricultural residential uses. The area is characterized by existing 5.0 acre and 15.0 acre parcels. The subject site is located amongst existing AR-2 (Agricultural-Residential)

**Comments:** The subject site is currently zoned AR-2 (Agricultural/Residential) and AG (Agricultural) which allows for both mobile homes and single-family homes. Furthermore, adjacent parcels to the north are zoned AR-2 (Agricultural/Residential). The proposed rezoning would limit construction to a site built single family home but would also allow the uses permitted under the AR (Agricultural Residential) District. The request is consistent with the Comprehensive Plan and compatible with the surrounding land uses.

## FINDINGS OF FACT

The request for a rezoning from AR-2 (Agricultural/Residential) and AG (Agricultural) 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 RECOMMENDATIONS:**

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 AR-2 (Agricultural/Residential) and AG (Agricultural) to AR (Agricultural/Residential).

**P&Z Action:**

At their August 12, 2024, meeting the Planning and Zoning Commission voted 3-2 recommended to the BOCC approval of the petitioner's request for a rezoning AR-2 (Agricultural/Residential) and AG (Agricultural) to AR (Agricultural/Residential).