

STAFF REPORT

HEARINGS: Planning & Zoning Commission: October 7, 2024
Board of County Commissioners: November 19, 2024

APPLICANT: David and Danielle Daniels, Francine Charissa, and Terry Brooks

FILE NUMBER: H-24-42

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

GENERAL LOCATION: East side of Maridale Road at its northern terminus.

PARCEL KEY NUMBER: 62461, 595877

APPLICANT'S REQUEST

The petitioners are requesting a rezoning of their two (2) 1-acre parcels from R-1C (Residential) to AR (Agricultural/Residential). The petitioners have indicated a desire to utilize their property for gardening and small livestock. One parcel has an existing single-family home and the other is vacant.

SITE CHARACTERISTICS

Site Size: 2.0 acres

Surrounding Zoning & Land Uses:

North:	AR; Single-family
South:	R-1C; Single-family
East:	R-1C; Single-family
West:	R-1C; Single-family

Current Zoning: R-1C (Residential)

Future Land Use Map Designation: Rural

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) reviewed the petitioner's request and provided the following information:

- The County does not currently supply water or sewer service to these parcels. Water and sewer service are not available to these parcels.

- HCUD has no objection to the requested zoning change from Residential to AR to allow livestock and aquaculture on the property.

ENGINEERING REVIEW

The County Engineer reviewed the petitioner's request and stated that the Engineering Department has no issues with the application but mentions that the applicant may wish to vacate the internal easements. The vacation of easements can be done through an application with the zoning department.

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 is located within the Rural Land Use designation on the County's adopted Comprehensive Plan. The petitioner's parcel is located in the Royal Highlands area which is currently in transition with many parcels in close proximity requesting rezoning from R-1C (Residential) to AR (Agricultural/Residential) due to the rural nature of the area.

Future Land Use, 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.

Comments: The parcel is within the Rural land use classification and is surrounded by residential parcels 2.30 acres in size. The proposed rezoning is consistent with the strategies for rural density and the pattern of land development on the surrounding parcels.

FINDINGS OF FACT

A rezoning from R-1C (Residential) to AR (Agricultural/Residential) is appropriate based on consistency with the County's adopted Comprehensive Plan and the development patterns within the Royal Highlands Subdivision.

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 Concurrence. 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).

PLANNING AND ZONING ACTION:

On October 7, 2024, the Planning and Zoning Commission voted 4-0 to 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).