

STAFF REPORT

HEARINGS: Planning & Zoning Commission: March 11, 2024
Board of County Commissioners: April 9, 2024

APPLICANT: George Koukas, on behalf of Gary B Atkinson & Sandra Atkinson, Douglas & Maria Szymansh, Nicholas Martin, Howard Steven Cohen

FILE NUMBER: H-23-73

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

GENERAL LOCATION: Northwest corner of Sandpiper Avenue and west and east side of Magnolia Warbler Road

PARCEL KEY NUMBER: 704811, 791325, 791290, 624284, 791281, 791049

APPLICANT'S REQUEST

The application is made by five (5) petitioners seeking to collectively rezone their parcels from R-1C/(Residential) to AR/(Agricultural-Residential). The five (5) parcels (as listed below) are part of Royal Highlands Unit 8. Parcels in this unit are 1.0 acre and larger. The petitioners have indicated the rezoning would allow for the personal raising of livestock and poultry per AR/(Agricultural-Residential) standards.

Subject Properties:

Key# 704811 – George Koukas
Key# 791325 – Gary B Atkinson & Sandra Atkinson
Key# 791290 – Douglas & Maria Szymansh
Key# 624284 – Nicholas Martin
Key# 791281 – Howard Steven Cohen
Key# 791049 – Howard Steven Cohen

SITE CHARACTERISTICS:

Site Size: Key# 704811 – 1.98 acres
Key# 791325 – 1.0 acres
Key# 791290 – 1.0 acres
Key# 624284 – 1.0 acres
Key# 791281 – 1.0 acres
Key# 791049 – 1.0 acres

Surrounding Zoning & Land Uses:

North: R-1C (Residential)
South: R-1C (Residential)
East: R-1C (Residential)
West: R-1C (Residential)

Current Zoning: R-1C (Residential)

**Future Land Use
Map Designation:** Rural

UTILITIES REVIEW

Hernando County Utilities Department (HCUD) 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.

ENGINEERING REVIEW:

The subject properties are located along the northwest corner of Sandpiper Avenue and west and east side of Magnolia Warbler Road. All five (5) parcels have existing homes, and no new driveways are proposed. The County Engineer has reviewed the petitioner's request and indicated no traffic related issues or concerns.

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 properties are located within the Rural Land Use designation on the County’s adopted Comprehensive Plan. The petitioner’s parcel is located in an area of Royal Highlands which is currently in transition with parcels in the area requesting rezonings from R-1C (Residential) to AR (Agricultural/Residential) due to the rural nature of the area and the size of the surrounding parcels, many exceeding 1.0 acre.

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 parcels are within the Rural land use classification and are surrounded by residential parcels 1.0 acre in size or larger. 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 its consistency with the Comprehensive Plan and compatibility 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 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).