

STAFF REPORT

HEARINGS: Planning & Zoning Commission: July 14, 2025
Board of County Commissioners: September 2, 2025

APPLICANT: John P and JoAnn Shank

FILE NUMBER: H-25-18

REQUEST: Rezoning from PDP(MF)/Planned Development Project (Multifamily) to AR-2 (Agricultural Residential)

GENERAL LOCATION: North side of Jacqueline Road, approximately 325' west of Madison Street

PARCEL KEY NUMBER(S): 1190758

APPLICANT'S REQUEST

In May 2024, the petitioners purchased the subject site. At the time, the property was listed as AR-2 (Agricultural Residential) according to the County public records. The petitioner received a mobile home permit for the subject site and had it installed. Unfortunately, the zoning was listed incorrectly, and the parcel had been rezoned to PDP(MF)/Planned Development Project (Multifamily). This was discovered when the petitioner submitted for a detached garage permit for the parcel in March of 2025.

The petitioner's request is to rezone the subject property back to AR-2 (Agricultural Residential – 2) to bring the mobile home on the site into conformance and to allow the placement of a detached garage. The petitioner had purchased the property and placed the mobile home in good faith and wishes to continue to live on the property. No non-conforming uses will be created through this rezoning application; the mobile home meets setback requirements and the detached garage will be placed in accordance with AR-2 setbacks upon building permit approval.

SITE CHARACTERISTICS

Site Size: 1.25 acres

Surrounding Zoning;

Land Uses: North: PDP(MF); single family residential uses
South: AR2, C1 residential and commercial uses
East: AR2; vacant agricultural-residential
West: AR2, PDP(MF); single-family residential uses

Current Zoning: PDP(MF) Planned Development Project (Multifamily)

Future Land Use

Map Designation: Residential

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) does not currently supply water or wastewater service to this parcel. Water service is not available. There is an 8" sewer force main that runs along Jacqueline Road. HCUD has no objection to the requested rezoning subject to Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System for the project.

Comments: The petitioner has an existing onsite sewage treatment and disposal system on the site, installed at the time of mobile home permitting.

ENGINEERING REVIEW

The subject site is located on the North side of Jacqueline Road, approximately 325' west of Madison Street. The County Engineer reviewed the petitioner's request and had the following comments:

- No additional driveways will be permitted.
- May need to upgrade existing driveway to current Hernando County Standards. Refer to Hernando County Facility Design Guideline IV-26.

Comments: The petitioner shall be required to coordinate with the Department of Public Works to determine what upgrades are necessary to the existing driveway. Any upgrades shall be the responsibility of the applicant.

LAND USE REVIEW

Minimum AR-2 (Agricultural/Residential) Building Setbacks:

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

The AR-2 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
- ii. Mobile homes

COMPREHENSIVE PLAN REVIEW

Property Rights Element

Objective 12.02A: Private property rights will be protected through alternative development techniques, the continuance of non-conformities, procedures for vested rights and other appropriate mechanisms.

Strategy 12.02A(2): Existing legal zonings and related entitlements/property rights that do not conform with the Future Land Use Map Category shall be allowed to continue under this Plan and their entitlements shall not be diminished.

Comments: The petitioner purchased the property in good faith based on county records that were incorrect at the time of property purchase. Once this issue was identified, the petitioner coordinated with the Development Services Department staff to submit a rezoning application to revert the zoning back to the previous AR-2 zoning district. The Comprehensive Plan recognizes vested property rights through the Property Rights Element; as the petitioner is coordinating with the County to rezone the parcel, staff has no objection to the rezoning request.

FINDINGS OF FACT

The rezoning from PDP(MF) Planned Development Project (Multifamily) to AR (Agricultural Residential) is appropriate based on the following findings of fact:

1. The subject site has existing property rights as evidenced by the approved mobile home permit on the site;
2. The petitioner purchased the property in good faith based on County records indicating an incorrect zoning;
3. The request is consistent with the Comprehensive Plan and is compatible with the development patterns along Jacqueline Road.

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 PDP(MF)/ Planned Development Project (Multifamily) to AR-2 (Agricultural-Residential 2).

P&Z RECOMMENDATION

On July 14, 2025, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from PDP(MF)/ Planned Development Project (Multifamily) to AR-2 (Agricultural-Residential 2).