

STAFF REPORT

HEARINGS: Planning & Zoning Commission: September 11, 2023
Board of County Commissioners: October 10, 2023

APPLICANT: Alexandria Elise Boone

FILE NUMBER: H-23-30

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

GENERAL LOCATION: Southwest corner of Norway Street and Berry Hill Drive

PARCEL KEY NUMBER: 898880

APPLICANT'S REQUEST

The petitioner is requesting a rezoning of this property from R-1C (Residential) to AR-1 (Agricultural/Residential-1) for farming, including raising chickens, for personal consumption. The property has an existing single family home and accessory structures. No changes are proposed to the property at this time.

The petitioner is requesting AR-1 (Agricultural/Residential-1) which limits the primary structure/home to a mobile home. Due to the surrounding zoning of R-1C (Residential) and the existing single family home on the property, staff will recommend changing the AR-1 (Agricultural/Residential-1) to AR (Agricultural/Residential) in order to limit the home to a single family site built home. The will allow for conformance with the existing zoning.

SITE CHARACTERISTICS

Site Size: 4.4 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 property is on the Southwest corner of Norway Street and Berry Hill Drive and has an existing home and driveway on the property. The County Engineer has reviewed the petitioner's request and indicated no engineering related 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 site is within the Rural land use designation; the permitted uses within the AR/(Agricultural-Residential) district are consistent with the goals, objectives and strategies of this land use designation.

FINDINGS OF FACT

The request for a rezoning from R-1C (Residential) to AR (Agricultural/Residential) is appropriate based on the following:

- The petitioner request for AR-1 (Agricultural/Residential-1) would be considered inconsistent and incompatible with the surrounding area due to the AR-1's permitting of mobile homes. Due to the surrounding zoning of R-1C (Residential) and the existing single family home on the property, it is recommended that the property be rezoned to AR (Agricultural/Residential) in order to limit the home to a single family site built home.
- As AR (Agricultural/Residential) zoning, the request would be 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 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 denying the petitioner's request for a rezoning from R-1C (Residential) to AR-1 (Agricultural/Residential-1) and approving the staff recommended rezoning for rezoning from R-1C (Residential) to AR (Agricultural/Residential).