

REZONING CASE H-24-09

STAFF REPORT

RECOMMENDATIONS/ACTIONS

STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION APRIL 1, 2024

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-1A (Residential) to AR (Agricultural/Residential) in **Appendix A** of this Staff Report.

PLANNING AND ZONING COMMISSION ACTION MAY 13, 2024

On May 13, 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-1A (Residential) to AR-2 (Agricultural/Residential 2) listed in **Appendix B** of the staff report.

BOARD OF COUNTY COMMISSIONERS ACTION June 25, 2024

On June 25, 2024, the Board of County Commissioners postponed the petitioners request for a rezoning from R-1A (Residential) to AR (Agricultural/Residential) in order to allow staff to coordinate the appropriate zoning district for the request and revise location maps as listed in **Appendix C** of the Staff Report.

INTRODUCTORY INFORMATION

HEARINGS: Planning & Zoning Commission: May 13, 2024
Board of County Commissioners: June 25, 2024
Board of County Commissioners: July 30, 2024

APPLICANT: Travis Schuldt

FILE NUMBER: H-24-09

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

GENERAL LOCATION: West side of Cleever Street, approximately 200' south of Atlanta Avenue

PARCEL KEY NUMBER: 78347

APPLICANT’S REQUEST

The petitioner is requesting a rezoning of this property from R-1A (Residential) to AR (Agricultural/Residential) in order to have a hooved animal on their 1.6-acre parcel. The subject site is undeveloped, and the petitioner has not indicated a timeframe for construction.

SITE CHARACTERISTICS

Site Size: 1.5 acres

**Surrounding Zoning;
Land Uses:** North: AR; Undeveloped
South: R-1A; Developed Residential
East: R-1A, AR; Undeveloped
West: C1; Undeveloped

Current Zoning: R-1A (Residential)

**Future Land Use
Map Designation:** Residential

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 request.

ENGINEERING REVIEW

The subject property is located on the southwest corner of Atlanta Avenue and Cleever Street. 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 Residential 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 commercial, residential and agricultural residential uses.

Comments: The subject site is currently zoned R-1A (Residential) which allows for both mobile homes and single-family homes. Furthermore, adjacent parcels to the south are zoned R-1A (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.

FINDINGS OF FACT

The request for a rezoning from R-1A (Residential) 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.

**APPENDIX A
STAFF RECOMMENDATION TO PLANNING AND ZONING
COMMISSION**

APPENDIX A – STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION

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-1A (Residential) to AR (Agricultural/Residential).

**APPENDIX B
PLANNING AND ZONING COMMISSION
ACTION**

APPENDIX B –PLANNING & ZONING COMMISSION ACTION:

On May 13, 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-1A (Residential) to AR-2 (Agricultural/Residential 2).

APPENDIX C
BOARD OF COUNTY COMMISSION

APPENDIX C –BOARD OF COUNTY COMMISSION ACTION:

On June 25, 2024, the Planning and Zoning Commission voted 5-0 to postpone the petitioner's request for a rezoning from R-1A (Residential) to AR (Agricultural/Residential) in order to coordinate the appropriate zoning district for the request.

APPENDIX D
REVISED STAFF RECOMMENDATION TO THE
BOARD OF COUNTY COMMISSIONERS

APPENDIX D –REVISED STAFF RECOMMEND FOR THE BOARD OF COUNTY COMMISSIONERS:

On June 25, 2024, the Board of County Commissioners postponed the petitioners request for a rezoning from R-1A (Residential) to AR (Agricultural/Residential) in order to allow staff to coordinate the appropriate zoning district for the request and revise location maps.

During the hearing, the petitioner testified that between May 13, 2024, Planning and Zoning Commission hearing and the June 25, 2024, Board of County Commissioners hearing, a mobile home had been placed on the subject site. The existing zoning of R-1A (Residential) permits both single family site built homes or mobile homes. Due to Board of County Commissioner's direction on similar request, particularly the parcel to the north, which was approved as AR (Agricultural Residential), staff recommends denial of the petitioner's new request to rezone from R-1A (Residential) to AR-2 (Agricultural/Residential 2). This denial does not infringe on the petitioner's current R-1A (Residential) entitlements.