

STAFF REPORT

HEARINGS: Planning & Zoning Commission: November 13, 2023
Board of County Commissioners: December 12, 2023

APPLICANT: Emmanuel Ortiz Garcia & Lydia Maria Diaz Alicea

FILE NUMBER: H-23-57

REQUEST: Rezoning from AG (Agricultural) to AR-2 (Agricultural/Residential-2)

GENERAL LOCATION: South side of Centralia Rd, at its intersection with Lelani Dr

PARCEL KEY NUMBERS: 1245520

APPLICANT'S REQUEST

The petitioner requests a rezoning of the subject property from AG (Agricultural) to AR-2 (Agricultural/Residential-2) to split the property into three parcels. The AG district requires a minimum parcel size of 10 acres; to divide the 11-acre parcel it must be rezoned. The minimum lot size in AR-2 is one acre.

SITE CHARACTERISTICS

Site Size: 11.1 acres

**Surrounding Zoning;
Land Uses:**

North: AG (Agricultural); Single Family Residence
South: AG (Agricultural); Single Family Residence
East: AG (Agricultural); Single Family Residence
West: R-1C (Residential); Subdivision

Current Zoning: AG (Agricultural)

**Future Land Use
Map Designation:** Rural

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) reviewed the application and responded with the following comments:

- 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 from AG to AR-2 which will allow the property to be split into three separate parcels (parcels must be 1 acre or greater).

This minimum acreage is to accommodate onsite septic and well as required by the Florida Department of Health.

ENGINEERING REVIEW

The County Engineer reviewed the petitioner's request and provided the following comments:

- This site contains a large area of storm channel with Flood Zones between "AE, (El.47.5)" and "AE,(El.2.2)" and flow volumes of 480 to 450 C.F.S.
- Please be aware, Centralia Road is classified as a Collector Roadway; residential Driveway connections are limited.
- Access to parcels is to be to the Class C Subdivision requirements; a 60-foot access tract with cleared and maintained right of way width of 30-feet improved to minimum standards: compacted lime rock surface 12 feet wide 4-inches thick.
- Access must consider access for the lots South of this lot.
- Right of Way Use permit required for connection to Centralia Road.

Comment: According to current County regulations, any parcel split into more than two lots is required to follow the Class C subdivision requirements. These requirements call for a 60-foot access tract with cleared and maintained right of way width of 30-feet improved to minimum standards: compacted lime rock surface 12 feet wide 4-inches thick. When the applicant applies for a subdivision of the subject property, they will be turned down because of the road requirements. They will then have to appeal and be granted a waiver from the development of the 60-foot access tract to subdivide the property. At that time, access will be addressed.

LAND USE REVIEW

The petitioner has not proposed any land uses that are deviations from or are not covered in the AR-2 zoning district. The minimum lot acreage in AR-2 is 1-acre, maximum building height is 45'. The minimum setbacks for AR-2 are:

AR-2 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.
 - (d) Agricultural/Residential-2:
 - i. Single-family dwellings.
 - ii. Mobile homes.

COMPREHENSIVE PLAN REVIEW

The subject site is within the Rural land use designation. The permitted uses within the AR-2 (Agricultural/Residential-2) district are consistent with the goals, objectives and strategies of this land use designation.

FINDING OF FACTS

The request for a rezoning from AG (Agricultural) to AR-2 (Agricultural/Residential-2) is appropriate and is consistent with the Comprehensive Plan and compatible with 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 AG (Agricultural) to AR-2 (Agricultural/Residential-2).