

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 12, 2023
Board of County Commissioners: July 11, 2023

APPLICANT: Aaron and Nicole Gibson

FILE NUMBER: H-23-14

REQUEST: Rezoning from R-1C (Residential) to AR-2 (Agriculture/Residential 2)

GENERAL LOCATION: East side of the intersection of Headstone St. and Split Stone Dr.

PARCEL KEY NUMBERS: 21443

APPLICANT'S REQUEST

The petitioner is requesting a Rezoning from R-1C (Residential) to AR-2 (Agricultural/Residential 2) to allow farming for personal use on the site.

While the zoning immediately adjacent to the subject parcels is residential, there are pockets of agricultural and agricultural-residential development in the general area of the proposed rezoning.

SITE CHARACTERISTICS

Site Size: 1.16 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

ENVIRONMENTAL REVIEW

Soils: Candler Fine Sand/0-5% slopes

Comment: Please be advised that soils and habitat are suitable for gopher tortoise, a State protected species. If present care should be taken to avoid gopher tortoise burrows while building or adding structures.

If they cannot be avoided, a Florida Fish and Wildlife Commission (FWC) relocation permit may be needed.

Protection Features: There are no Protection Features (Wellhead Protection Areas (WHPA and Special Protection Areas (SPAs)) on this site according to county data.

Hydrologic Features: There are no Hydrologic Features (Sinkholes, Karst Sensitive Areas, and Wetlands) on this property according to county data.

Habitat: The subject property is designated Urban Open Land according to FWC CLC mapping (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data).

Water Quality: The proposed development is within the Weeki Wachee River Basin Management Action Plan (BMAP), and the Weeki Wachee Outstanding Florida Springs (OFS) Group.

Flood Zone: The subject property is in the X flood zone.

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 subject to Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System.

ENGINEERING REVIEW

The subject property is on the east side of the intersection of Headstone Street and Split Stone Drive. The County Engineer has reviewed the petitioner's request indicated that the driveway apron shall be installed to Hernando County Facility Design Guideline IV-26- Residential Connection Standards. He has also indicated that while the property is located on an area upland outside the FEMA Floodplain, at times access to the site may be limited by flooding.

LAND USE REVIEW

Minimum AR-2 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-2 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-2

- i. Single-family dwellings
- ii. Mobile Homes

COMPREHENSIVE PLAN REVIEW

Rural Category

Objective 1.04C: The Rural Category allows agriculture, agricultural commercial, agro-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 parcel is within the Rural land use classification and is surrounded by residential parcels that are 1.2 acres. 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-2 (Agricultural/Residential-2) is appropriate based on consistency with the County's adopted Comprehensive Plan and the development patterns within the Ridge Manor Subdivision.

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 approving the petitioner's request for rezoning from R-1C (Residential) to AR-2 (Agricultural/Residential-2).

P&Z RECOMMENDATION:

On June 12, 2023, the Planning and Zoning Commission voted 5-0 postpone the petitioners request for rezoning from R-1C (Residential) to AR-2 (Agricultural/Residential-2) to the July 10, 2023, hearing.

On July 10, 2023, the Planning and Zoning Commission voted 5-0 recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for rezoning from R-1C (Residential) to AR-2 (Agricultural/Residential-2).