

STAFF REPORT

HEARINGS: Planning & Zoning Commission: February 12, 2024
Board of County Commissioners: March 12, 2024

APPLICANT: Kyle David Lowe

FILE NUMBER: H-23-70

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

GENERAL LOCATION: South of Manuel Street, approximately 175' east of Shell Stream Drive

PARCEL KEY NUMBER: 410031

APPLICANT'S REQUEST

The petitioner is requesting a rezoning of their 2.39 acre parcel (two parcels combined) from R-1C (Residential) to AR (Agricultural/Residential). The petitioner has indicated a desire to have chickens and utilize their property for gardening. The subject site is currently undeveloped.

SITE CHARACTERISTICS:

Site Size: 2.39 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 south of Manuel Street, approximately 175' east of Shell Stream Drive. The County Engineer has reviewed the petitioner's request and provided the following comments:

- The parcel has a portion of floodplain along the southeast portion of the site.
- There are no traffic related issues with the petitioner's request.

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 is located within the Rural Land Use designation on the County’s adopted Comprehensive Plan. The petitioner’s parcel is located in the Ridge Manor area which is currently in transition with many of the parcels in close proximity requesting rezoning from R-1C (Residential) to AR (Agricultural/Residential) due to the rural nature of the area and the size of the surrounding parcels, many exceeding 1.0 acre.

Rural Category

Objective 1.04C: The Rural Category allows agriculture, agricultural commercial, agri-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 1.2 acres in size. Further to the east there are larger tracts of agricultural parcels. 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 (Agricultural/Residential) is appropriate based on consistency with the County’s adopted Comprehensive Plan and the development patterns within the Ridge Manor Subdivision, subject to the staff report.

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 R-1C (Residential) to AR (Agricultural/Residential).