

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 13, 2022
Board of County Commissioners: July 12, 2022

APPLICANT: Christian Eres

FILE NUMBER: H-22-24

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

GENERAL LOCATION: East side of Shasta Street, approximately 310' south of Faculty Street

PARCEL KEY NUMBERS: 20676

APPLICANT'S REQUEST:

The subject site is currently zoned R-1C (Residential.) The petitioner is requesting a rezoning to AR-2 (Agricultural/Residential-2) to have livestock on the property and contemplate different housing options (either a mobile home or a single-family residence) as their permanent residence.

SITE CHARACTERISTICS:

Site Size: 1.2 acres

Surrounding Zoning & Land Uses:
North: R-1C; vacant residential
South: R-1C; vacant residential
East: CV; Withlacoochee State Forest
West: R-1C; existing residential development

Current Zoning: R-1C

Future Land Use Map Designation: Rural

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand

Features/

Resources: The property does not contain Wellhead Protection Areas (WHPAs), Special Protection Areas (SPA), wetland, or archaeological resources according to County data resources.

Habitat: Undeveloped sandhill 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).

Comments: Soils and habitat have potential to support gopher tortoise and commensal species. A gopher tortoise burrow survey to determine presence or absence within the building area and drive access should be conducted before clearing or commencement of development.

Flood Zone: None

UTILITIES REVIEW:

The 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. The HCUD has no objection to the requested rezoning.

ENGINEERING REVIEW:

The County Engineer has reviewed the petitioner’s request and has identified no traffic issues. This property is outside the FEMA floodplain (Zone “X”). Access to the site may be impacted by flooding.

LAND USE REVIEW:

Setbacks:

Minimum AR/(Agricultural/Residential) Building Setbacks:

Front: 50'

Side: 10'

Rear: 35'

Permitted Uses:

The AR (Agricultural/Residential) 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 (Agricultural/Residential) and AR-2 (Agricultural/Residential-2) zoning district as follows:

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.

Agricultural/Residential-2:

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

Comments: Due to the surrounding R-1C (Residential) zoning designation which only permits the construction of a single-family home, the request for AR-2 (Agricultural/Residential-2) allowing the option for a mobile home would be deemed incompatible with the surrounding area. It is recommended the zoning district be modified to AR (Agricultural Residential). This would remove the option for a mobile home, but still provide the petitioner with the uses they seek.

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-2 (Agricultural/Residential-2) is inappropriate due to incompatibility with the surrounding area. A rezoning to AR

(Agricultural-Residential) would be considered appropriate based on the following conclusions:

- AR-2 (Agricultural/Residential-2) permits the option of either a mobile home or single-family home. The surrounding area is zoned R-1C (Residential) which only permits single-family homes. It is recommended the petitioner's request be modified to AR (Agricultural-Residential) in order to restrict the use to a single-family home.
- AR (Agricultural-Residential) is consistent with the County's adopted Comprehensive Plan and compatible with the surrounding area. Future uses will comply with the LDRs for Special Protection Areas at the time of development.

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 a rezoning from R1C (Residential) to AR (Agricultural-Residential) in accordance with the staff report.