

STAFF REPORT

HEARINGS: Planning & Zoning Commission: January 9, 2023
Board of County Commissioners: February 14, 2023
Planning & Zoning Commission: February 13, 2023
Board of County Commissioners: March 14, 2023

APPLICANT: Elizabeth A Richards

FILE NUMBER: H-22-78

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

GENERAL LOCATION: South side of Solway Drive at its intersection with Octavia Way.

PARCEL KEY: 831274

APPLICANT'S REQUEST:

The petitioner is requesting a rezoning of this property from R-1C (Residential) to AR-2 (Agricultural/Residential-2) to allow for some farming, and livestock for personal consumption. The property has an existing home and accessory structures.

SITE CHARACTERISTICS:

Site Size: 2.3 Acres

Surrounding Zoning & Land Uses:

North:	R-1C; undeveloped
South:	R-1C; Single-family homes
East:	R-1C; undeveloped
West:	R-1C, undeveloped

Current Zoning: R-1C (Residential)

Future Land Use Map Designation: Rural

ENVIRONMENTAL REVIEW:

- Soil Type:** Candler Fine Sand
- 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:** This property is designated “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).
- Water Quality Review:** This property is not within any Basin Action Management Plan (BMAP), Priority Focus Areas (PFA) or Outstanding Florida Springshed (OFS).
- Flood Zone:** X

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has reviewed the petitioner’s request and provided 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 submitted zoning change from R1C to AR2 to allow chickens and goats on the premises.

ENGINEERING REVIEW:

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

- The property is outside the floodplain. The proposed development will have minimal impact on the site drainage.

LAND USE REVIEW:

Minimum AR-2 (Agricultural/Residential-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, characterized by an established mixture of both conventional single-family dwellings and mobile homes. The AR-2 district is not to be utilized for future development. 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.

(d) 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, 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 ranging in size from 0.3 acres to the west, and parcels between 1.3 and 9.2 acres on the other three sides. 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 inappropriate based on the following:

- The subject site is within a R-1C (Residential) area that only allows for single family site built homes. The request for AR-2 (Agricultural/Residential-2) would allow the option of either a single family home or a mobile home should the petitioner decide to divide the subject site back out to its original configuration of two lots. A mobile home would not be compatible with the surrounding area.
- Rezoning to AR (Agricultural/Residential), single family use only, has been permitted in the Ridge Minor area due to its 1.0 acre plus lot sizes and rural nature, therefore it is recommended that the request be changed to AR (Agricultural/Residential) in order to ensure compatibility with the surrounding area.

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 a rezoning from R-1C (Residential) to AR (Agricultural/Residential) in accordance with the staff report.