

STAFF REPORT

HEARINGS: Planning & Zoning Commission: December 11, 2023
Board of County Commissioners: January 9, 2024

APPLICANT: Jacob Cummings on behalf of Gabriella Norman, Yuniesky Guinart, Natalia Guinart, Robert J. Mestler, Rhonda Mestler, Ryan Mettler, Sandra Clark, and Exempt Property

FILE NUMBER: H-23-65

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

GENERAL LOCATION: Multiple parcels, North and South side of Seneca Road between its eastern terminus and Pomp Parkway

PARCEL KEY NUMBER(S): 73556, 73565, 73752, 73636, 73672, 73725

APPLICANT'S REQUEST

The application is for six (6) parcels, each with a unique owner, all of whom joined together and submitted for the rezoning as a group. The petitioner requests a rezoning from R-1C (Residential) to AR (Agricultural/Residential) for the purpose of preserving the rural and agricultural base of the community. The petitioner states in their narrative that Country Estates is made up of lots that are 2-acres or more. This request comes from owners of six different lots within the neighborhood.

SITE CHARACTERISTICS

Site Size: 18.5 Acres

**Surrounding Zoning;
Land Uses:**

North:	R-1C (Residential); Single-Family Dwelling, Undeveloped
South:	R-1C (Residential); Single-Family Dwelling, Undeveloped
East:	R-1C (Residential); Single-Family Dwelling, Undeveloped
West:	R-1C (Residential); Single-Family Dwelling, Undeveloped

Current Zoning: R-1C (Residential)

**Future Land Use
Map Designation:** Rural

UTILITIES REVIEW

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

- HCUD does not currently supply water or sewer service to these parcels.
- Water and sewer service are not available to these parcels.

Comments: HCUD has no objection to the requested zoning change from R1C to AR to help preserve the rural/AG nature of the community and provide residents the option to raise livestock.

ENGINEERING REVIEW

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

- The noted parcels are outside the FEMA Special Flood Hazard Area.
- Only the northeast corner of Country Estates and a small area on the north of the area contain floodplain.
- No Traffic issues.

LAND USE REVIEW

The permitted uses in the AR (Agricultural/Residential) district are:

(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 future land use for the subject parcels is Residential, which is consistent with the Agricultural/Residential zoning district.

FINDING OF FACTS

The request for the Agricultural/Residential zoning district in an area with the Rural Future Land Use is appropriate.

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)