

STAFF REPORT

HEARINGS: Planning & Zoning Commission: January 9, 2023
Board Of County Commissioners: February 14, 2023

APPLICANT: Sueann Gouin

FILE NUMBER: H-22-80

REQUEST: Rezoning from AR-2 (Agricultural/Residential-2) to AG (Agricultural)

GENERAL LOCATION: North side of Sun Road at its western terminus

PARCEL KEY: 593717

APPLICANT'S REQUEST:

The applicant is requesting a rezoning of the subject property from AR-2 to AG to allow for farming, and personal livestock on the property.

SITE CHARACTERISTICS:

Site Size: 4.8 acres

Surrounding Zoning & Land Uses:

North: AG (Agricultural); Single-Family Homes

South: AR-2 (Agricultural/Residential-2); Single Family Homes

East: AR-2 (Agricultural/Residential-2); Single Family Homes

West: Lake Hideaway CPDP (Combined Planning Development Project) with Single Family and Multi-family uses adjacent to the subject Parcel; undeveloped.

Current Zoning: AR-2 (Agricultural/Residential-2)

Future Land Use Map Designation: Rural

ENVIRONMENTAL REVIEW:

- Soil Type:** Candler Fine Sand/0-5% Slopes and a small western portion of the property is Candler Fine Sand/5-8% Slopes.
- Protection Features:** There are no Protection Features (Wellhead Protection Areas (WHPA) and Special Protection Areas (Special Protected 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 “Low Structure Density “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), the Weeki Wachee Primary Focus Area (PFA), and the and Weeki Wachee Outstanding Florida Springs (OFS) Group.
- Flood Zone:** X, with a small portion to the north of the property within the AE zone.

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has reviewed the petitioner’s request and provided the following comments:

- HCUD currently provides water service to this parcel. Sewer service is not available to this parcel.
- HCUD has no objection to the requested zoning change from AR2 to AG to allow multiple sheds and carports to be placed on site.

ENGINEERING REVIEW:

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

- This site contains an area of 1% annual chance floodplain, “AE, (El. 59.6)”. This floodplain is associated with a karst feature.

- Driveway must be improved to current County standards. Obtain Right of Way Use permit to install driveway apron for connection to paved County roadway.

LAND USE REVIEW:

The AG district is designed to promote and encourage the conservation and utilization of prime and productive agricultural land, as well as the preservation of the open character of certain land, which, by virtue of their topography, soil types, natural resources and/or relationship to other land use areas, should be carefully reviewed and evaluated prior to their possible development or else should continue to be developed at a relatively low-density to maintain their overall natural environment and unique character with the county.

The minimum lot area for the Agricultural district is ten (10) acres for parcels created after January 1, 1990. The subject parcel (4.8 acres) was created on January 1, 1980. Due to the creation of the parcel before 1990, the minimum area size is not applicable, and the AG district is a valid and legal zoning district for the property. All other AG district regulations still apply to the property and the petitioner's use of said property.

The Hernando County Code of Ordinances, Appendix A, Article IV, Section 6 identifies the permitted uses within the AG zoning district as follows:

A. *Agricultural District:*

- (1) *Permitted Uses:* The following permitted uses shall apply in the agricultural district:
 - (a) Animal specialty establishment.
 - (b) Farming and farming service establishments.
 - (c) Fisheries.
 - (d) Forestry and forestry service establishments.
 - (e) Horticultural specialty farms.
 - (f) Hunting, trapping and game propagation.
 - (g) Landscaping service establishment.
 - (h) Single-family dwelling.
 - (i) Mobile Home, provided that such mobile home meets all regulations, requirements and provisions of this ordinance for minimum living area within the zoning district.
 - (j) Land Application of Domestic Septage, provided that such operation meets all special regulations, requirements and provisions of this ordinance for operation and siting and applicable Florida Statutes, Administrative Rules, and provisions of the Hernando County Code of Ordinances.

- (k) Wildlife management activities.
 - (l) Resource-oriented recreational activities.
 - (m) Aquaculture.
- (5) *Special regulations:*
- (a) No odor- or dust-producing substance or use, except in connection with cultivation of permitted uses, shall be permitted within one hundred (100) feet of the property line of an adjoining parcel containing a residence or the property line of a residentially zoned parcel.

Minimum AG (Agricultural) Building Setbacks:

- Front: 75'
- Side: 35'
- Rear: 50'

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.

Comment: The parcel is within the Rural land use classification and is surrounded by parcels with a varying degree of agricultural uses. 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 AR-2 (Agricultural/Residential-2) to AG (Agricultural) is appropriate based on consistency with the County's adopted Comprehensive Plan, 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 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 AR-2 (Agricultural/Residential-2) to AG (Agricultural).