

STAFF REPORT

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

APPLICANT: Marco Escobar

FILE NUMBER: H-23-66

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

GENERAL LOCATION: South side of Michigan Avenue, approximately 450' west of Gladstone Street

PARCEL KEY NUMBER: 82671

APPLICANT'S REQUEST

The petitioner is requesting a rezoning of this property from R-1C (Residential) to AR-2 (Agricultural/Residential-2) in order to have chickens and a goat on their 1.8 acre parcel. The subject site is undeveloped, and the petitioner has indicated a desire to place a mobile home on the site.

SITE CHARACTERISTICS

Site Size: 1.8 acres

**Surrounding Zoning;
Land Uses:** North: R-1C; Single Family
South: R-1C; Single Family
East: R-1C; Single Family
West: R-1C; Single Family

Current Zoning: R-1C (Residential)

**Future Land Use
Map Designation:** Residential

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 request.

ENGINEERING REVIEW

The subject property is located on the south side of Michigan Avenue, approximately 450' west of Gladstone Street. The County Engineer has reviewed the petitioner's request and indicated the site contains an area of Flood Zone "AE."

LAND USE REVIEW

Minimum AR-2 (Agricultural/Residential-2) Building Setbacks:

- Front: 50'
- Side: 10'
- Rear: 35'

The AR districts are 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-2:

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

COMPREHENSIVE PLAN REVIEW

The subject site is within the Residential land use designation; the permitted uses within the AR-2/(Agricultural-Residential-2) district is consistent with the goals, objectives and strategies of this land use designation. The area is categorized by similar size parcels to the subject site. To the south there is existing AR-2 (Agricultural/Residential) with AG (Agricultural) to the east.

Comments: The subject site is currently zoned R-1C (Residential) which allows for single-family homes. Furthermore, adjacent parcels are zoned R-1C (Residential). The petitioner's request for AR-2 (Agricultural/Residential) would allow for the ability to build a single family home or mobile home, thereby creating a compatibility issue with the existing zoning in the area. The AR (Agricultural/Residential) zoning district would be compatible with the surrounding area and afford the petitioner the AR uses; furthermore, limiting construction on the subject site to a single family home only.

FINDINGS OF FACT

The request for a rezoning from R-1C (Residential) to AR-2 (Agricultural/Residential-2) is inappropriate based on the following:

- The request for AR-2 (Agricultural/Residential-2) zoning is incompatible with the surrounding land uses due to the zoning district allowing for mobile homes.
- The parcel should be considered for the AR (Agricultural/Residential) which would only permit single family homes.
- The AR (Agricultural/Residential) would be consistent with the Comprehensive Plan and compatible with the surrounding land uses.

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).