

STAFF REPORT

HEARINGS: Planning & Zoning Commission: September 12, 2022
Board of County Commissioners: October 11, 2022

APPLICANT: Dennis J. Strally

FILE NUMBER: H-22-46

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

GENERAL LOCATION: North side of Powell Road, at its intersection with Racers Way

PARCEL KEY NUMBER: 1290338

APPLICANT'S REQUEST:

The subject site is currently zoned AG (Agricultural). The petitioner is requesting a rezoning to AR (Agricultural/Residential) to divide the parcel vertically into two – five (5) acre parcels. The petitioner intends to maintain his single-family residence on one and sell the other parcel to his daughter upon which she will build a single-family dwelling. This rezoning is necessary because the minimum lot size in the AG district is ten (10) acres and the minimum lot size for the AR district is one (1) acre. Both proposed parcels will have frontage on Powell Road.

SITE CHARACTERISTICS:

Site Size: 10.0 Acres

Surrounding Zoning & Land Uses:
North: AG (Agricultural), Single-family dwellings
South: AG (Agricultural), Single-family dwellings
East: AG (Agricultural), Single-family dwellings
West: AG (Agricultural), Single-family dwellings

Current Zoning: AG (Agricultural)

Future Land Use Map Designation: Rural

ENVIRONMENTAL REVIEW

Soil Type: Nobleton Fine Sand, Micanopy Loamy Fine Sand

- Habitat:** Mixed hardwood-coniferous forest, marsh, and low density residential 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).
- Features/Resources:** The property does not contain Special Protection Areas (SPA), Well Head Protection Areas (WHPA) or archaeological sites. A class 3 wetland is present.
- The wetland will need to be delineated and the wetland line shown on the survey.
- Water Quality Review:** This project is located within the Weeki Wachee Basin Management Area identified by FDEP as contributing nutrients to the Weeki Wachee Riverine System. Florida Friendly Landscaping™ is recommended as well as a review of the County Fertilizer Ordinance.
- Flood Zone:** X (Area of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods.)

UTILITIES REVIEW:

This property is located within the City of Brooksville Utility Department's (CBUD) first right to serve district. The applicant should contact CBUD for any utility related comments.

ENGINEERING REVIEW:

The subject site is located on the North side of Powell Road, at its intersection with Racers Way. The current single-family home on the property access Powell Street by the access easement on the east side of the property. The County Engineer has reviewed the petitioner's request and has indicated the following:

- This property contains 1% annual chance floodplain. Development within the floodplain requires specific permitting and mitigation.
- Powel Road is an arterial roadway; residential driveways are limited on arterial roadways. Driveway(s) will be required to be installed to meet County standards.

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) 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.

Specific Agricultural/Residential District:

- i. Single-family dwellings.

Comments: The applicant's intended use of the property for single-family dwelling is consistent with the surrounding land uses. Though

zoned AG, five (5) out of the six (6) surrounding parcels are under five (5) acres and are used for single-family dwellings.

COMPREHENSIVE PLAN REVIEW:

The subject site is within the Rural future 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

A rezoning from AG (Agricultural) to AR (Agricultural/Residential) is appropriate based on consistency with the County's adopted Comprehensive Plan and the surrounding land uses 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 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 RECOMMENDATIONS:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving a rezoning from AG (Agricultural) to AR (Agricultural/Residential) in accordance with the staff report.