

STAFF REPORT

HEARINGS: Planning & Zoning Commission: May 12, 2025
Board of County Commissioners: July 1, 2025

APPLICANT: Kim Poteet, Shane Duryea

FILE NUMBER: H-25-06

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

GENERAL LOCATION: South side of Cecil Court, approximately 288' west of Highgrove Road

PARCEL KEY NUMBER: 377041

APPLICANT'S REQUEST

The petitioner is requesting to rezone their 2.5-acre parcel from R-1C (Residential) to AR (Agricultural/Residential). The petitioner has indicated a desire to utilize their property for livestock and other agricultural uses. The area is categorized as agricultural-residential, with a mixture of residential, agricultural, and agricultural-residential uses.

SITE CHARACTERISTICS

Site Size: 2.5 acres

Surrounding Zoning & Land Uses:

North:	R-1C; Single-family
South:	R-1C; Single-family
East:	AG; Single-family
West:	R-1C; Single-family

Current Zoning: R-1C (Residential)

Future Land Use Map Designation: Residential

UTILITIES REVIEW

Hernando County Utilities does not currently supply water or sewer service to this parcel. Water and sewer are not available to this parcel. HCUD has no objection to the zoning change from R-1C (Residential) to AR (Agricultural/Residential) to allow chickens on property.

ENGINEERING REVIEW

The subject parcel is located on the South side of Cecil Court approximately 288' west of Highgrove Road.

The County Engineering Department has reviewed the request and indicated no traffic concerns.

LAND USE REVIEW

Minimum AR (Agricultural/Residential) Building Setbacks:

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

The AR 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 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:

- i. Single-family dwellings

COMPREHENSIVE PLAN REVIEW

The subject is located within the Residential Land Use designation on the County's adopted Comprehensive Plan. The petitioner's parcel is located near the Hernando Highlands area which is currently in transition with many parcels in close proximity requesting rezoning from R-1C (Residential) to AR (Agricultural/Residential) due to the rural nature of the area.

Future Land Use, Residential Category

Objective 1.04B: The Residential Category allows primarily single family, duplex, resort and multi-family housing and associated ancillary uses such as recreational and institutional. Office and certain commercial uses may be allowed subject to the locational criteria and performance standards of this Plan. Residential density shall not exceed 22 dwelling units per gross acre.

Comments: The parcel is within the Residential land use classification and is surrounded by residential parcels 0.6 to 4.2 acres in size. The proposed rezoning is consistent with the strategies for residential density and the pattern of land development on the surrounding parcels.

FINDINGS OF FACT

A rezoning from R-1C (Residential) to AR (Agricultural/Residential) is appropriate based on consistency with the County's adopted Comprehensive Plan.

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 a rezoning from R-1C (Residential) to AR (Agricultural/Residential).

P&Z RECOMMENDATION

On May 12, 2025, the Planning and Zoning Commission voted 4-0 to convert the petitioner's request to a rezoning from R-1C (Residential) to PDP(RUR) Planned Development Project (Rural) with Agricultural/Residential uses and conditions addressing the following:

- The petitioner shall be limited to grazing livestock at the rate of one mature animal and offspring less than one year of age, per acre.
- The petitioner shall construct a 6' opaque fence along the northern boundary of the site where abutting the Oaks community.

REVISED STAFF RECOMMENDATION

Based on the Planning and Zoning Commission recommendation, Staff has revised its recommendation as follows:

It is recommended that the Board of County Commissioners adopt a resolution denying the petitioner's request for a rezoning from R-1C (Residential) to AR (Agricultural Residential) and adopt a resolution approving a rezoning from R-1C (Residential) to PDP(RUR) Planned Development (RUR) with Agricultural/Residential uses and the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The petitioner shall be limited to grazing livestock at the rate of one mature animal and offspring less than one year of age, per acre.
3. The petitioner shall construct a 6' opaque fence along the northern boundary of the site where it abuts the Oaks community.
4. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued