

STAFF REPORT

HEARINGS: Planning & Zoning Commission: November 14, 2022
Board of County Commissioners: December 13, 2022

APPLICANT: Keith Marko

FILE NUMBER: H-22-67

REQUEST: Rezoning from R-1C (Residential) to PDP(RUR)/Planned Development Project (Rural) with a specific AG (Agricultural) Use for Two Miniature Cows

GENERAL LOCATION: Northeast corner of Rapidan Road and Wharton Avenue

PARCEL KEY NUMBER: 631052

APPLICANT'S REQUEST:

The petitioner is requesting a rezoning from R-1C (Residential) to PDP(RUR)/Planned Development Project (Rural) with a specific AG (Agricultural) use to allow for two miniature Zebu cows. The two cows are a bonded pair, are cared for as pets by the petitioner and his family, and they participate in educational activities at local schools as well as 4H shows. The petitioner's Zebu cows are approximately 34-inches full grown.

SITE CHARACTERISTICS:

Site Size: 1.2 acres

Surrounding Zoning & Land Uses:

North:	R-1C (Residential)
South:	Conservation
East:	Conservation
West:	R-1C (Residential)

Current Zoning: R-1C (Residential)

Future Land Use Map Designation: Rural

ENVIRONMENTAL REVIEW:

- Soil Type:** Myakka Fine Sand
- Protection Features:** There are no Wellhead Protection Areas (WHPAs), no Priority Focus Areas (PFAs), and no Special Protected Areas (SPAs) present on the subject property. This property is in a Karst Sensitive Area
- Habitat:** The habitat is 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 Review:** There are no wetlands on the subject property which is in the Chassahowitzka Spring Group.
- Flood Zone:** X and AE

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has reviewed the application and indicates the following:

- HCUD does not currently supply water or sewer service to this parcel and water and sewer service are not available to this parcel.
- HCUD has no objection to the requested zoning change from Residential to PDP(Rural) with AR/AG use to allow mini cows used for educational purposes in the community.

ENGINEERING REVIEW:

The subject property is in the Royal Highlands subdivision east of Commercial Way. It is adjacent to a 482-acre conservation parcel. The County Engineer has reviewed the petitioner’s request and provided the following comments:

- This property contains an area of floodplain (depth on site is shallow) and access may be limited by flooding.
- Development within the floodplain requires specific permitting and mitigation to preserve floodplain volume.
- No Traffic issues.

LAND USE REVIEW:

The Agricultural 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 petitioner's request is consistent with the goal of the rural future land use designation which encourages agricultural uses. The petitioner states that they will not be changing anything about the property as it currently exists.

COMPREHENSIVE PLAN REVIEW:**Rural Category**

Strategy 1.04A(4): The Rural Category retains and promotes agricultural activities, retains the rural nature and countryside character of a significant portion of the County including rural residential uses with limited agricultural activities, limits residential density and infrastructure outside of recognized urbanizing areas as shown on the Adjusted Urbanized Area Map, and, may be used to recognize properties with natural physical development limitations such as floodplains.

Objective 1.04C: The Rural Category allows agriculture, agricultural commercial, agri-industrial, recreation, agritourism and residential land uses of a rural character.

Comment: The parcel is within the Rural future land use classification and is surrounded by residential parcels ranging in size from .08 to 1.2 acres and conservation parcels ranging in size from .06 to 492.5 acres. 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 R-1C (Residential) to PDP(RUR)/Planned Development Project (Rural) with a specific AG (Agricultural) use of to allow for two miniature Zebu cows is appropriate based on consistency with the County's adopted Comprehensive Plan and the development patterns within the Ridge Manor Subdivision, 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 R-1C (Residential) to PDP(RUR)/Planned Development Project (Rural) with a specific AG (Agricultural) use to allow for two miniature Zebu cows 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. Two mature miniature cows are permitted to be on the subject property, as well as any offspring. The offspring may stay on the property for up to 1 year.
3. Any detached accessory structure used for the "housing" of the cows must be at least 75' from the property lines.
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.