

STAFF REPORT

HEARINGS: Planning & Zoning Commission: August 14, 2023
Board of County Commissioners: September 12, 2023

APPLICANT: Alfred P. Martucci

FILE NUMBER: H-23-17

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

GENERAL LOCATION: South side of Bourassa Boulevard, approximately 700' east of US Hwy 19

PARCEL KEY NUMBER: 538948

APPLICANT'S REQUEST

The petitioner is requesting a rezoning of this property from AG (Agricultural) to AR-2 (Agricultural/Residential-2) in order to eventually split a one-acre portion from the 5.0 acre subject site. The minimum lot size for the AR zoning district is one (1) acre. Additionally, the AR-2 (Agricultural/Residential-2) zoning district will provide the petitioner the flexibility of either a conventional single-family home or a mobile home.

SITE CHARACTERISTICS

Site Size: 5.0 acres

**Surrounding Zoning;
Land Uses:** North: C-1; Commercial
South: AG; Tooke Lake
East: R-1A; Mobile Homes
West: CPDP; Undeveloped

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

**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 requested zoning change.

ENGINEERING REVIEW

The subject property is on the south side of Bourassa Boulevard, approximately 700' east of US Hwy 19. The County Engineer has reviewed the petitioner's request and indicated the following:

- The parcel contains FEMA Floodplain along the north and south ends of the property.
- Development within the floodplain requires specific permitting and mitigation. Access across floodplain is considered "Development".

LAND USE REVIEW

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

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

The AR-2 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-2 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 Homes

COMPREHENSIVE PLAN REVIEW

Residential Mapping Criteria

The Residential Category is designed to accommodate a variety of residential and support uses at varying densities and types located in areas primarily clustered in and around the Adjusted Urbanized Area and those areas that maximize the efficient use of existing and planned infrastructure.

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. The AR-2 (Agricultural Residential-2) district is intended to provide transition from agricultural parcels into the single-family category. The area is characterized by R-1A (Residential) to the east and an approved residential (single family) development to the west. Considering the surrounding parcel minimum acreage, the proposed rezoning reduces the intensity of the existing AG (Agricultural) zoning. The rezoning is consistent with the strategies for residential density and the pattern of land development within the surrounding.

FINDINGS OF FACT

The request for a rezoning from AG (Agricultural) to AR-2 (Agricultural/Residential-2) is appropriate based on consistency with the County's adopted Comprehensive Plan and the surrounding area.

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 AG (Agricultural) to AR-2 (Agricultural/Residential-2).