

STAFF REPORT

Planning & Zoning Commission: January 8, 2007
Board of County Commissioners: February 14, 2007

APPLICANT: John Rowland **FILE NUMBER:** H-06-125

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

GENERAL

LOCATION: Approximately 725' north of Faculty St, 690' west of Split Stone Dr

LEGAL

DESCRIPTION: A portion of Section 22, Township 22 South, Range 21 East, Hernando County, FL

FILE STATUS: All requirements necessary to conduct the public hearing have been satisfied.

Citizen correspondence received as of the date of this report? Yes No

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: CV

Undeveloped

South: R-1C

Undeveloped

East: R-1C

Undeveloped

West: R-1C

Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone the subject property from R-1C (Residential) to AR-2 (Agricultural/Residential District). The subject property is located north of Faculty Street along the River Forest Cove access road.

FACTUAL INFORMATION

1. The property is currently zoned R-1C.
2. The property comprises approximately 9.6 acres.
3. The site is undeveloped.
4. The site may contain majestic or specimen trees.

5. The subject property has access from Faculty Street.
6. The subject property is located within a rural land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Eau Gallie Fine Sand.
8. The property is located in a flood zone AE.
9. The subject property contains a Class III wetland, but no Wellhead Protection Areas (WHPA), or Special Protection Areas (SPA) according to County data resources.
10. The Utilities Department has indicated that central water and sewer are not available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized as an undeveloped parcel.
13. The petitioner has not requested any deviations from the County's Land Development Regulations.

STAFF DISCUSSION

The applicant has submitted a request to rezone approximately 9.6 acres from R-1C (Residential) to AR-2 (Agricultural/Residential). The petitioner has proposed to use the subject property for the growth of organic herbs, fruits, vegetables, bonsai farming, and the care of farm animals. If approved, the rezoning request would permit the petitioner to use the subject property for all permitted uses in the AR-2 (Agricultural/Residential).

The applicant is currently constructing a primary residence for the subject property in addition to a proposed greenhouse, open air garden and a fenced area for farm. According to County LDRs, the petitioner may have the specified animals in the Farming/Livestock category.

The improvement of the subject property shall meet each of the dimensional and area regulations as required in the Agriculture District.

According to County data resources the subject property is within the 100 year floodplain. All roadways, driveways, and finished floor elevations shall be above the regulatory 100 year flood elevation.

According to County data resources the subject property contains Class III wetlands. Any removal, encroachment or alteration of wetland areas shall comply with state and federal wetland regulations.

Wildlife surveys shall be conducted, to determine the presence of listed species and to determine if any wetlands provide critical habitat for federal and/or state listed species. If the wetlands provide critical habitat to listed species, those wetlands would be re-classified as Class I (in accordance with the County's Comprehensive Plan 6.05A(2)(f)), and require County approval before any removal, encroachment or alteration could be considered.

FINDINGS OF FACT

The subject property is located within the Rural Land Use Category as identified on the adopted Hernando County Comprehensive Plan Map.

The following policies of the Hernando County Comprehensive Plan apply:

Policy 1.01B(1): Establish a Rural Land Use Category on the Future Land Use Map within which agricultural activities can be retained and expanded. Potential uses include farms, ranches, agri-industrial uses, agricultural commercial, farm worker housing, residential uses, neighborhood commercial uses, recreation, and public and semi-public uses.

Policy 1.01B(6): Allow new development within the Rural Land Use Category which is compatible with the level of public service provided. The County will not provide water, sewer, transportation, or other infrastructure to support urban development in the Rural Land Use Category so that urban development can be directed to those areas which are planned to receive such services.

The request to rezone the subject property from R-1C (Residential) to AR-2 (Agricultural/Residential District) would be appropriate based on the following conclusions:

1. Rezoning the subject property to AR-2 (Agricultural/Residential) is consistent with the County's adopted Comprehensive Plan and the intent of the Rural category.

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. Homeowners 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:

Pursuant to the findings of fact outlined in the staff's report, it is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from R-1C (Residential) to AR-2 (Agricultural-Residential) with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. No products shall be publicly displayed or offered for sale from the roadside unless approved as a special exception use.
3. No odor or dust-producing substance or use, except in connection with cultivation of permitted uses, shall be permitted with 100' of the property line of an adjoining parcel containing a residence or the property of a residentially zoned parcel.