

Staff Report

Subject: Rezoning (Fifth District)
Author: Chelsie Fernald, Planner II
Department: Development Services
Meeting Date: December 5, 2023
Item Description: **Veronica Navarro as agent for Maria Moreno Salgado & Jose Martinez Olvera requests to rezone** 5.00 acres from **R-1** to **AR-1** to allow for horses on the property. Located at 295 Long Pond Road. **[Map# 462 Parcel# 30]**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to **rezone** 5.00 acres from **R-1** to **AR-1** to allow for horses on the property.

Executive Summary/Background

- The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Zoning districts are described in Appendix C, Article V-Uses Permitted in Districts. AR-1 requires a minimum lot size of 5 acres.
- The applicant would like to rezone from R-1 to AR-1 to be able to have horses for personal use on their property.
- This parcel was part of a larger subdivision, 129.13 acres, that was rezoned to R-1 in 2001, as an estate division.
- Currently the properties to the north, south, and west are zoned R-1. The parcels to the east are zoned AR-1.
- Per Effingham County Code of Ordinances, **Appendix C – Zoning Ordinance, Article V – Uses Permitted in Districts, Section 5.1 – AR-1 Agricultural Residential Districts:**
Permitted uses:
 - a. Site-built single-family detached dwellings and their customary uses, on the basis of one dwelling for each five acres of land or more under the same ownership. Land that has been established and used as a rental mobile home site prior to September 23, 1980, will be allowed to continue this practice.
 - b. Class A and Class B single-family detached dwellings and their customary uses, on the basis of one dwelling unit for each five acres of land or more under the same ownership.
 - c. All commercial agricultural pursuits, and structures incidental thereto, including dairy products, livestock, poultry and poultry products, field crops, truck crops, and forestry.
 - d. Public and private parks, open space, and recreational facilities, excluding commercial amusement facilities such as game parlors, and recreational vehicle and travel trailer overnight camping sites.
Go cart, all-terrain vehicle (ATV), and motorbike tracks and trails may be allowed as a conditional use on parcels of at least 100 acres. Such uses would also have to meet the requirements of and the buffering requirements of the industrial zoning district.
 - e. Churches, charitable, semi-private, or philanthropic institutions, or camps and state parks.
 - f. Reserved.
 - g. Home occupations and residential businesses, as provided in article III, section 3.15 and 3.15A.
 - h. Government-owned utilities.
 - i. Bed and breakfast lodging facility.
- Since the Planning Board meeting, this has become an active Code Enforcement case; Development Services was notified that 50+ chickens were located on the property.
- At the November 14, 2023 Planning Board meeting, Mr. Peter Higgins made a motion to deny the rezoning. Mr. Brad Smith second, the motion carried 4-1 with Mr. Ryan Thompson opposing.

Alternatives

1. **Approve** the request to **rezone** 5.00 acres from **R-1** to **AR-1** to allow for horses on the property.
2. **Deny** the request to **rezone** 5.00 acres from **R-1** to **AR-1** to allow for horses on the property.