

STAFF REPORT

Planning & Zoning Commission: December 11, 2005

APPLICANT: Judy L. Watts **FILE NUMBER:** SE-06-12

PURPOSE: Special Exception Use Permit for an Exotic Animal Specialty Farm, namely a Wildlife Sanctuary for Large Cats

GENERAL

LOCATION: South side of Lake Lindsey Road, approximately 925' south west of Daly Road

LEGAL

DESCRIPTION: A portion of Section 21, Township 21 South, Range 20 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: AG
South: AG
East: AG
West: AG

Single family
Single family
Single family
Single family

SUMMARY OF REQUEST

The petitioner requests a special exception use permit for an Exotic Animal Specialty Farm, namely a wildlife sanctuary for large cats. The subject property is located on the south side of Lake Lindsey Road, approximately 925' south west of Daly Road.

FACTUAL INFORMATION

1. The property is currently zoned Agricultural(AG).
2. The property comprises approximately 9.9 acres.
3. The site has been developed with a single family house.
4. The site contains majestic and specimen trees.

5. The subject property has access from Lake Lindsey Road.
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 Flemington Fine Sandy Loam and Barrow Pit.
8. The property is located in a flood zone C.
9. According to County data resources the subject property contains no Well Head Protection Area(WHPA),or wetlands; however does contain a Special Protection Area (SPA).
10. The Utilities Department has indicated that central water, but not sewer, is available to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The surrounding area is characterized by residential/rural uses.
13. The petitioner has requested no deviation from the County LDRs.

STAFF DISCUSSION

The petitioner requests a special exception use permit for an Exotic Animal Specialty Farm, namely a wildlife sanctuary for large cats. Exotic Animal Specialty Farms are a special exception use that may be approved in agricultural zoning categories.

The petitioner indicates in the narrative she proposes providing enclosures on 1/3 of the 9.9 acre subject property for the expressed purpose of providing a safe haven and wildlife sanctuary for tigers and other large cats. The enclosures will be located on the south end of the property where natural vegetation will provide significant buffering from surrounding properties. The petitioner has indicated that all enclosures and perimeter fencing meet or exceed Florida Fish and Wildlife Conservation Commission guidelines.

The proposed five (5) enclosures will be 10-foot in height and exceed the states minimum 1,000 square feet requirements. The enclosures will be constructed of 9-gauge wire fencing as required by State and will be installed underground as a preventive measure against digging. All enclosures will be designed with double door lockout access to act as a holding cell for entering and existing enclosures.

The petitioner has indicated the perimeter fencing will be 8-foot high, and seventy-five (75) from the enclosures, to act as a security measure in the event of a cat escaping and as a buffer between humans and the cats. The perimeter fencing will be constructed of 11½ gauge wire.

The petitioner has indicated that safety plans are in place in the unlikely event that one of the large cats escapes its enclosure. Upon such an event, tranquilizers will be utilized to subdue the animal and return it to its enclosure. In the event a large cat escapes both enclosure and perimeter fencing, neighbors will be alerted and the proper officials contacted and instructed to utilize lethal force to stop any threats. The wildlife sanctuary will have trained volunteers on a regular basis to aid the petitioner with the care of the animals.

The Florida Wildlife Commission has indicated that although the petitioner does not possess a license to possess Class I and II Wildlife for exhibition or public sale", the petitioner has worked with several "big cat" possessors that are licensed in the State of Florida. The Florida Wildlife Commission has issued a "special authorization" letter that allows the petitioner to work with Class I and II felids (large cats) under the direction of one of those licensees. To obtain this authorization, the petitioner had to qualify with the Florida Wildlife Commission providing documentation of experience relating to the handling, husbandry and care of Class I and II felids. The petitioners experience qualifies for the possession of Class I and II felids. The Florida Wildlife Commission has indicated that prior to the issuance of such a license, the petitioner shall construct a facility that complies with state requirements and prior to the animals being placed on the property, the petitioner must be inspected and approved by Commission personnel.

The Florida Wildlife Commission has indicated that under Code 68A-6, "applicants shall submit documentation verifying that the construction of the facility, its cages and enclosures is not prohibited by county ordinance and, if within a municipality, municipal ordinance". The size and number of enclosures facility will determine the number of animals allowed on site

FINDINGS OF FACT

The subject property consists of one single family dwelling on 9.9 heavily wooded acres. The existing home is situated approximately 450' from Lake Lindsey Road. The character of the area is residential in a rural setting.

Policy 1.01H(2) of the Future Land Use Element instructs the County to "protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment." Wildlife Sanctuary for Large Cats would not be an inappropriate use at this location provided the applicant can meet all state and local requirements.

A special exception use permit is an additional use which may be granted by the Planning and Zoning Commission in accordance with the LDRs. As part of the review, the P&Z must determine that the tract of land is suitable for the type of special exception use proposed by virtue of its

location, shape, topography and nature of surrounding development. The P&Z has the ability to assign reasonable conditions to the approval, and may prescribe reasonable time limits for the special exception use permit.

A special exception use permit is a use which is appropriate in a zoning district if safeguards are imposed but which would impair the integrity and character of the district in which it is located, or in adjoining districts unless restrictions or conditions on location, size, extent and character of performance are imposed in addition to those imposed in the ordinance.

The special exception use permit is a land use determination only, all applicable development rules would have to be met if the permit is approved.

County data resources show that the subject property is contained within a Special Protection Area (SPA) as defined in Hernando County's Groundwater Protection Ordinance (GPO). This SPA is associated with a former mining area; the proposed use is allowable within this designation.

The proposed Exotic Animal Specialty Farm special exception use is appropriate, based on the following conclusion:

1. The proposed use will be compatible with the surrounding area and consistent with the County's LDR.
2. The applicant has demonstrated the ability to meet all state requirements for a wildlife sanctuary.

The special exception 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. 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:

It is recommended that the Planning and Zoning Commission approve the petitioner's request for a Special Exception Use Permit for an Exotic Animal Specialty Farm, namely a Wildlife Sanctuary for Large Cats, 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. The petitioner shall obtain all necessary state and local licenses associated with a wildlife sanctuary prior to any wildlife occupying the subject site.
3. The petitioner must construct all enclosures and perimeter fencing to state requirements.
4. Perimeter fencing will have a minimum 75' setback from all enclosures.
5. The petitioner shall be limited to five (5) enclosures.