

**STAFF REPORT**

Planning & Zoning Commission: February 12, 2007

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**APPLICANT:** Jason Frewer **FILE NUMBER:** SE-07-02

**PURPOSE:** Special Exception Use Permit for an Exotic Animal Specialty Farm, namely for turtles and tortoises

**GENERAL**

**LOCATION:** North side of Yontz Road, approximately 800' west of US 98

**LEGAL**

**DESCRIPTION:** A portion of Section 9, Township 22 South, Range 19 East, Hernando County, FL

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

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

**STAFF FINDINGS:**

Surrounding Zoning

Surrounding Land Uses

North: AG  
South: CITY  
East: AG  
West: AG

Mobile Home  
City  
Undeveloped  
Mobile Home

**SUMMARY OF REQUEST**

The petitioner requests a Special Exception Use Permit for an Exotic Animal Specialty Farm. The subject property is located on north side of Yontz Road, approximately 800' west of US 98.

**FACTUAL INFORMATION**

1. The property is zoned AG/(Agricultural).
2. The subject property contains approximately 4.8 acres.
3. The subject property was previously utilized as a place of public assembly and has several structures on site.
4. The site may contain specimen or majestic trees.

5. The site has access from Yontz Road.
6. The subject property is located in the Residential Land Use Category on the adopted Future Land Use Map.
7. The on-site soil type is Nobleton Fine Sand, and Pits-Dumps complex.
8. The property is located in flood zone C.
9. The subject property contains no wetlands, Special Protection Areas (SPA) or Wellhead Protection Areas (WHPA) according to County data resources.
10. The Utilities Department has indicated that the parcel is within the City of Brooksville Utilities Department Service Area.
11. There are adequate public facilities available to serve limited uses on the subject property.
12. The surrounding area is characterized by agricultural uses.
13. The petitioner has not requested any deviations from the County Land Development Regulations (LDR).

### **STAFF DISCUSSION**

The petitioner has submitted a request for a Special Exception Use Permit for an exotic animal speciality farm on an approximately 4.8 acre parcel. County development regulations permit exotic animal farms in the Agricultural District as a special exception use. The petitioner has indicated that they will farm exotic turtles and tortoise. The proposed site will not be open to the public and all sales are directly to zoos and private collectors. The petition has stated that the proposed farm will be managed by the father and son and maintained by two (2) employees which will clean and feed the animals.

The petitioner has indicated that all USDA and Fish and Wildlife licensing requirements have been acquired and will be posted on the premises for review. The petitioner has mammal and reptile/amphibian authorizations from Fish and Wildlife Commission and has been licensed since the mid 1990's.

The subject property is developed with four (4) structures which vary in size. The submitted site plan indicates the petitioner will utilize one (1) 2,100 square foot structure for the farming of exotic turtles and tortoise. The parcel appears sufficiently sized to accommodate the proposed Special Exception Use.

All proposed signage for the proposed Special Exception use shall meet the regulations set fourth in the Land Development Regulations (LDR). The Special Exception Use Permit is a land use determination only. All applicable development rules will have to be met if the permit is approved.

### **FINDINGS OF FACT**

The surrounding area is characterized by agricultural uses and located within the residential land use category as identified on the adopted Future Land Use Map. Potential uses in the rural land use category include farms, ranches, agri-industrial uses, agricultural commercial, farm worker housing, residential uses, neighborhood commercial uses, recreation, and public and semi-public uses.

A Special Exception Use Permit is an additional use which may be granted by the P&Z in accordance with the Land Development Regulations (LDR). 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 the nature of the 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 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 development are imposed in addition to those imposed by the ordinance.

The Special Exception request is appropriate based on the following conclusions:

1. The proposed special exception use would be consistent with the Comprehensive Plan and consistent with the County's Land Development Regulations (LDR) with the appropriate performance conditions.
2. The proposed property is sufficiently sized to accommodate the request.

**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:**

The Planning Staff recommends the Planning and Zoning Commission approve the petitioner's request for a Special Exception Use Permit for Exotic Animal Specialty Farm, 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 must comply with all Florida Fish and Wildlife Commission Class 3 requirements, and provide the County with a copy of all required permits and licenses.
3. The petitioner shall be limited to the private sales of turtles and tortoises, and the facility shall not be open to the public.