


December 9, 2024

MEMORANDUM

TO: Honorable Chairman and Members of the Board of County Commissioners

VIA: Jeffry Rogers, County Administrator
County Administrator's Office

FROM: Cesar Omar DePablo, Development Services Director
Planning and Zoning Department 

SUBJECT: Special Exception Actions by the Planning and Zoning Commission on December 9, 2024

For the Board's information, on December 9, 2024, the Planning and Zoning Commission (P&Z) held a duly advertised public hearing to consider an advertised request for a Special Exception(s). Attached to this memorandum are the staff reports and actions of the P&Z on the special exception requests at that scheduled public hearing.

A notification letter was sent on Wednesday, December 11, 2024, to inform the petitioners of the P&Z actions. According to Appendix A, Zoning, Article V, Section 8(1) of the Hernando County Code of Ordinances, the Board of County Commissioners (BOCC), by a majority vote, may decide to review any special exception decision rendered by the P&Z. If at least a majority (three (3) members) of the governing body do not vote to review the P&Z decision within thirty (30) days, which would be Wednesday, January 8, 2025, the P&Z decision shall be deemed final and subject only to review by the circuit court. The review of the decision by the BOCC shall be at a public hearing held within sixty (60) days of the P&Z decision. The board has the authority to continue, on its own motion, to a later date a final decision on any special exception matter pending before it for review.

The review of decision by the BCC would occur on the regular BCC hearing date of Tuesday, February 11, 2025, (calculated from the date of P&Z decision). "Public notice" for this hearing shall mean publication of notice of the time, place and purpose of such hearing one (1) time in a newspaper of general circulation in the county, such publication to be at least five (5) days prior to such hearing, and such notice shall be posted in a conspicuous place or places around such lots, parcels, or tracts of land as may be involved in the hearing. Affidavit proof of the required publication and posting of the notice shall be presented at the hearing.

The Board may affirm, modify, or reverse the decision of the P&Z at the hearing.

Copies: Applicant's File

STAFF REPORT

HEARINGS: Planning & Zoning Commission: December 9, 2024

APPLICANT: Carlos A Hernandez

FILE NUMBER: SE-24-05

PURPOSE: Special Exception Use Permit for an Assisted Living Facility

GENERAL LOCATION: Southwest corner of the intersections of Elgin Boulevard and Landover Boulevard

PARCEL KEY NUMBER: 660895

APPLICANT'S REQUEST:

The petitioner has submitted a request for a Special Exception Use permit in order to open an ALF/Assisted Living Facility. The facility will have a maximum of 14 residents. An Agency of Home Health will be on site which will provide nurses, doctors, and physical therapy. The parcel is currently a vacant lot and the proposed structure will be approximately 2,800 square foot one (1) story building with eight (8) bedrooms and 14 beds with a community dining room and living room. The petitioner will be providing 7-9 parking spaces on site.

SITE CHARACTERISTICS:

Site Size: 0.30 acres

Surrounding Zoning Land Uses: North: PDP(SF); Single Family
South: PDP(SF); Single Family
East: PDP(SF); Single Family
West: PDP(SF); Single Family

Current Zoning: PDP(SF)/Planned Development Project (Single-Family)

Future Land Use Map Designation: Residential

Flood Zone: X

UTILITIES REVIEW:

The Hernando County Utilities Department has reviewed the petitioner's application and indicated it currently does not provide water or service to this parcel. Water service is available to this parcel; however sewer is currently sewer unavailable. HCUD has no objection to the request subject to connection to the central water system at time of vertical construction, and Health Department approval of an appropriate onsite sewage treatment and disposal system for the facility.

ENGINEERING REVIEW:

The site is located at the southwest corner of the intersection of Elgin Boulevard and Landover Boulevard. The County Engineer reviewed the petitioner's requested and indicated the following:

- A sidewalk shall be installed along Elgin Boulevard from the Western property line to the Southern property line on Landover Boulevard.
- Project shall meet all drainage requirements of Hernando County Facility Design Guidelines and Southwest Florida Water Management District Environmental Resource Permitting requirements.
- The Driveway, Parking, ADA parking and Layout shall meet Hernando County standards.
- A Right-of-Way Use Permit is required for driveway installation.

LAND USE REVIEW:

The subject property is located in the Spring Hill Subdivision and was designated PDP(SF)/Planned Development Project (Single Family) when the county established zoning. The surrounding properties have been developed as Single Family homes.

A Community Residential Home per Municode Appendix A, Article 1, section 3 (32) "a dwelling unit licensed by the Agency for Health Care Administration which provides a living environment for up to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents." The petitioner has proposed to open and Assisted Living Facility with a maximum of 14 residents.

Setbacks

Proposed Building Setbacks in a Spring Hill PDP(SF) District:

- Front (Elgin Boulevard): 25'
- Secondary Front (Landover Boulevard): 15'
- Side: 10'
- Rear: 20'

Buffers

The minimum commercial buffer shall consist of a 5' landscaped buffer around parking lots. The congregate care facility use, located on such lot shall be permanently screened from the adjoining and contiguous residential properties to the south and west by a wall, fence, and/or approved enclosures. Such screening shall have a minimum height of five (5) [feet] and a maximum height of eight (8) feet and an evergreen hedge with a minimum height of five (5) feet at the time of planting.

Comments: While no buffers are required between ALF(Assisted Living Facility) and residential neighbors, however, staff recommends a 5' landscape buffer dependent on the configuration of the parking lot. The petitioner shall work with the Planning Department to determine if the buffer is needed.

Parking

County LDRs requires a minimum of 0.3 parking spaces per bed for an Assisted Living Facility. The petitioner is proposing a total of fourteen (14) beds which requires five (5) parking spaces.

Lighting

The petitioner has not indicated any provisions for lighting of the subject property. If approved, the petitioner must provide full or semi-cutoff fixtures as required by the County LDR, in order to retain all light on site and prevent any light spillage onto neighboring residential uses.

Landscaping

The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials, and plantings for required landscaping.

COMPREHENSIVE PLAN REVIEW:

The subject property is located within the Residential Future Land Use classification on the adopted Future Land Use map. The Hernando County 2040 Comprehensive Growth Strategy Plan provides the principles for guiding land development activities

in the County and describes the related programs and strategies that provide the overall guidance for implementing the Plan.

Residential Category of the adopted Comprehensive Plan states:

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.

Strategy 1.04B(1) Commercial and institutional uses within the Residential Category are generally associated with medium and high density residential development and may include neighborhood commercial, office professional, recreational, schools, and hospitals. Minor public facilities that do not unduly disturb the peaceful enjoyment of residential use may also be allowed.

Comments: A Community Residential Home is permitted in all zoning districts as a special exception uses.

FINDINGS OF FACT:

The request for a Special Exception Use Permit for Community Residential Home, namely an Assisted Living Facility, is appropriate based on the following conclusion:

1. The subject location is in a medium density residential neighborhood
2. The proposed request is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.

NOTICE OF APPLICANT RESPONSIBILITY:

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 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 RECOMMENDATIONS:

It is recommended that the Planning and Zoning Commission approve the petitioner's request for a Special Exception Use Permit for Community Residential Home, namely an Assisted Living Facility, with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. A comprehensive floral survey may be required. Survey shall be prepared by a qualified professional at the construction plan approval stage of development. The petitioner will be required to comply with all applicable FWC regulations and permitting.
3. The facility shall be limited to a maximum of fourteen (14) beds.
4. The petitioner shall be constructed to meet the minimum parking requirements for Hernando County
5. No parking shall be permitted in the right-of-way.
6. The petitioner shall provide a 5' landscape buffer against neighboring residential parcels.
7. Minimum Building Setbacks:
 - Front (Elgin Boulevard): 25'
 - Secondary Front (Landover Boulevard): 15'
 - Side: 10'
 - Rear: 20'
8. Any additional residents shall require an amendment to the special exception use permit.

PLANNING AND ZONING ACTION:

On December 9, 2024, the Planning and Zoning Commission voted 3-2 to approve the petitioner's request for a Special Exception Use Permit for Community Residential Home, namely an Assisted Living Facility, with the following unmodified performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. A comprehensive floral survey may be required. Survey shall be prepared by a qualified professional at the construction plan approval stage of development. The petitioner will be required to comply with all applicable FWC regulations and permitting.
3. The facility shall be limited to a maximum of fourteen (14) beds.
4. The petitioner shall be constructed to meet the minimum parking requirements for Hernando County
5. No parking shall be permitted in the right-of-way.
6. The petitioner shall provide a 5' landscape buffer against neighboring residential parcels.
7. Minimum Building Setbacks:
 - Front (Elgin Boulevard): 25'
 - Secondary Front (Landover Boulevard): 15'
 - Side: 10'
 - Rear: 20'
8. Any additional residents shall require an amendment to the special exception use permit.

STAFF REPORT

HEARINGS: Planning & Zoning Commission: December
APPLICANT: Astley and Elfreda Blair
FILE NUMBER: SE-24-08
PURPOSE: Special Exception Use Permit for an Animal Specialty Establishment
GENERAL LOCATION: Southeast corner of the intersection of Preston Road and Outback Way
PARCEL KEY NUMBER: 365704

APPLICANT'S REQUEST

The petitioner requests a Special Exception Use Permit for Animal Specialty Establishment for the purpose of animal husbandry for the breeding and sale of goats from their property. The petitioner requests approval for keeping approximately 80 goats of various ages on the property at any given time. However, this number may change with the breeding season and sale of goats. The petitioner included the addition of a shed to the property for feed and equipment storage. In the AR-2 (Agricultural Residential-2) district the number of sheds is not limited and allowed by right.

SITE CHARACTERISTICS

Site Size: 2.5 Acres
Surrounding Zoning & Land Uses:
North: AR-2; Mobile Home, Single Family
South: AR-2; Mobile Home, Single Family
East: AR-2; Mobile Home, Single Family
West: AR-2; Mobile Home, Single Family
Current Zoning: AR-2 (Agricultural Residential 2)
Future Land Use Map Designation: Rural

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) has indicated they currently do not supply water or sewer service to this parcel. HCUD has no objection to the requested Special Exception Use Permit to allow an animal husbandry business on site to breed and sell goats.

ENGINEERING

The subject parcel is at the southeast corner of the intersection of Preston Road and Outback Way. The County Engineer reviewed the petitioner's request and indicated that there are no stormwater or traffic issues with regards to this application and parcel.

LAND USE REVIEW

Animal Specialty establishments are permitted in the AR-2 (Agricultural Residential) district through the Special Exception Process. Animal specialty establishments include activities such as animal boarding, animal husbandry activities, and animal training.

In all Agricultural Residential districts grazing livestock is permitted by right at the rate of one mature animal and offspring less than one year of age, per acre. Staff contacted the UF IFAS extension office regarding acreage and raising and breeding goats safely. The extension office indicated "When determining stocking rate for a property, the main concern is keeping the forage/grass healthy so that livestock health is maintained. If overstocked, weeds will encroach, and plants will disappear creating a dry lot (dirt lot) situation. This creates secondary issues of both erosion and animal waste runoff.

In Florida, the typical stocking rate will be one (1) animal unit per 2.0-3.0 acres of maintained pasture. The base of one (1) animal unit is a 1,000 pound cow with or without a calf. When we convert this number to goats, we typically say the 1,000 pound cow is equivalent to 5-6 goats.

If a "pasture" is heavily wooded, very sandy, very wet, etc., the stocking rate is much lower. Best case scenario with a good rotational grazing program and soil fertility amendments, a 2.5 acre property (which is really 2.0 acres once a house and yard are removed) would only support 10 goat units. This will still necessitate supplementation with hay and feed."

Comments: Staff recommends that the site, based on the UF/IFAS data herein, be limited to a maximum of 20 goats. This includes mature adults and their offspring.

County LDR also states that "Sales" on the premises of permitted agricultural products produced on the premises is permitted: 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."

Comments: The petitioner shall be permitted onsite sales of items directly associated with goats, goat milk, etc.. Additional any parking associated with onsite sales shall be contained on the subject site and no parking shall be permitted in the right-of-way.

Building Setbacks:

Minimum Building Setbacks on existing building House:

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

Buffer:

The petitioner shall provide a five (5) foot buffer internal to subject site to prevent livestock from encroaching/reaching into neighboring parcels.

Farm building setbacks

Regulation of agricultural structures: Land, which is used solely for farming, forestry, fisheries, animal specialty farms, horticultural specialty farms or hunting, trapping and game propagation shall have no regulation imposed as to zoning permits, certificates of use, or height, yard or location requirements for agricultural buildings, except as otherwise provided in this ordinance.

Comments: No agricultural building shall be located any closer than one hundred (100) feet to any existing or proposed street.

COMPREHENSIVE PLAN REVIEW

The subject property is located within the Rural land use classification on the adopted Future Land Use Map. The area is characterized by large tracts of single family and mobile home residences. Animal specialty establishments are permitted uses in Rural districts.

Future Land Use, Rural

Objective 1.04C: The Rural Category allows agriculture, agricultural commercial, agri-industrial, recreation, agritourism and residential land uses of a rural character. Certain neighborhood commercial uses may be allowed subject to locational criteria and performance standards. Residential density is 0.1 dwelling units per gross acre (1 unit per ten gross acres) except where otherwise indicated by the strategies listed herein and incorporated into the land development regulations.

Strategy 1.04A(4): The Rural Category retains and promotes agricultural activities, retains the rural nature and countryside character of a significant portion of the County including rural residential uses with limited agricultural activities, limits residential density and infrastructure outside of recognized urbanizing areas as shown on the Adjusted Urbanized Area Map, and, may be used to recognize properties with natural physical development limitations such as floodplains.

FINDING OF FACTS

The request for a Special Exception Use Permit for an Animal Specialty Establishment for the purpose of Animal husbandry activities as well as the sale of goats is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses with appropriate performance.

NOTICE OF APPLICANT RESPONSIBILITY

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 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. 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 RECOMMENDATIONS:

It is recommended that the Planning and Zoning Commission approve the petitioner's request for a Special Exception Use Permit for an Animal Specialty Establishment for the purpose of animal husbandry activities as well as the sale of goats with the following performance condition:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies 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 be limited to a maximum of 20 goats. This includes mature adults and their offspring.
3. Minimum Building Setbacks:
 - Front: 50'
 - Sides: 10'
 - Rear: 35'
4. The petitioner shall be permitted to onsite sales of items directly associated with goats. Any parking associated with onsite sales shall be contained on the subject site and no parking shall be permitted in the right-of-way.
5. The petitioner shall provide a five (5) foot buffer interior to subject site to prevent livestock from encroaching on neighboring parcels.
6. No agricultural building shall be located any closer than one hundred (100) feet to any existing or proposed street.

P&Z SPECIAL EXCEPTION RESULTS DECEMBER 9, 2024

PLANNING AND ZONING ACTION:

On December 9, 2024, the Planning and Zoning Commission voted 4-1 to deny the petitioner's request for a Special Exception Use Permit for an Animal Specialty Establishment for the purpose of animal husbandry activities as well as the sale of goats.