

RESOLUTION NO. 2023 - _____

WHEREAS, Hernando County has adopted zoning regulations pursuant to Chapter 163 and Section 125.01(1), *Florida Statutes*, which authorize the County to regulate the use of land in the unincorporated areas of Hernando County, Florida, and take action on the request herein; and,

WHEREAS, the Hernando County Board of County Commissioners (BOCC) conducted a duly advertised public hearing, to consider the requested changes in zoning on the specified parcel in Hernando County, Florida, as more fully described below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

APPLICANT: A & I Land Association, LLC

FILE NUMBER: H-22-23

GENERAL

LOCATION: South side of Cortez Boulevard, approximately 1,000' east of Frisco Road

PARCEL KEY

NUMBER: 387450

REQUEST: The Applicant is requesting a rezoning from AG (Agricultural) to C-4 (Heavy Highway Commercial).

The representations contained in the rezoning application is incorporated herein by reference and made a part hereof and are relied upon by the County to be true and correct. For purposes herein, it is presumed that all notice and advertising requirements have been satisfied.

FINDINGS

OF FACT:

ALL of the facts and conditions set forth in in the record, including the County's staff report memoranda and facts presented at the public hearings on this matter are incorporated herein by reference and made a material part of this Resolution as integral to the BOCC's Action. The BOCC finds that the testimony and record supporting **DENIAL** of the applicant's request for a Rezoning from AG (Agricultural) to C-4 (Heavy Highway Commercial) to be credible and constitutes competent substantial evidence. In further support thereof, the BOCC makes the following specific findings of fact:

1. The application is **NOT** consistent with the 2040 Hernando County Comprehensive Plan, Chapter 1 (Future Land Use Element), Goal 1.10 (Land Development Regulations), Land Use Compatibility: Objective 1.10B, Strategy 1.10(B)(3), as described below:

Strategy 1.10B(3): Protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the surrounding residential area.

2. The application is **NOT** compatible with the surrounding residential area due to the intensity of the proposed use. The allowance of this use along S.R. 50 (Cortez Boulevard) does not protect the existing and future residential areas from encroachment of incompatible uses and is destructive to the character and integrity of the surrounding residential area.

**CONCLUSIONS
OF LAW:**

The BOCC is authorized to act on this matter pursuant to Chapters 125 and 163, *Florida Statutes*. Accordingly, based on the entire record and based upon competent substantial evidence, the BOCC makes the following specific conclusions of law:

1. The application is not consistent with the 2040 Hernando County Comprehensive Plan.
2. There is a legitimate public purpose in maintaining the existing zoning to protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the surrounding residential area, to protect the health, safety and welfare of the public, and to attain compatibility with surrounding residential uses.

ACTION: After due public notice and public hearings, and based upon the record in this matter, including the findings of fact and conclusions of law above, the BOCC hereby **DENIES** the Applicant's request for a Rezoning from AG (Agricultural) to C-4 (Heavy Highway Commercial) as set forth in the BOCC action.

ADOPTED IN REGULAR SESSION THE _____ DAY OF _____, 2023.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: _____
Douglas A. Chorvat, Jr.
Clerk of Circuit Court & Comptroller

By: _____
John Allocco
Chairman

(SEAL)

Approved as to Form and
Legal Sufficiency

By: 