



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 09/29/2025	BCC Date: 10/21/2025
Case Number:	251003SU
CDP-AR:	33119
Type of Case:	Special Use Permit: to allow a pet cemetery (cremated remains only) on A-1 (General Agriculture) property
Owner	The Lawrence E. Nikola Jr. Family Trust
Applicant	James T. Hartley, Gooding and Batsel PLLC
Street Address	No site address assigned
Parcel Number	48465-000-00
Property Size	±4.40- acres
Future Land Use	Rural Land (RL)
Zoning Classification	General Agriculture (A-1)
Overlay Zone/Scenic Area	Secondary Springs Protection Zone
Staff Recommendation	Approval with Conditions
P&ZC Recommendation	Approval with Alternate Conditions
Project Planner	Sarah Wells
Related Case(s)	N/A

I. ITEM SUMMARY

James T. Hartley, on behalf of the owner, the Lawrence E. Nikola Jr. Family Trust, has filed an application for a Special Use Permit to request permission for a pet cemetery (using cremated remains only) on a 4.40-acre, A-1 (General Agriculture) zoned vacant parcel. Figure 1 is an aerial photograph showing the general location of the subject property. The Parcel Identification Number associated with the property is 48465-000-00, and the street address is not assigned. The parcel is located in Summerfield, south of HWY 42, west of the Villages of Marion Unit 62, and near the county line with Sumter County. The legal description is displayed in the deed included in the application (See Attachment A). The parcel is located outside of the Urban Growth Boundary and within the Secondary Springs Protection Zone. The future land use for the parcel is Rural Land. Figures 2 shows the conceptual plan provided by the applicant. The Conceptual Site Plan shows the layout of proposed pet cemetery. Staff is recommending **Approval with Conditions** of the Special Use Permit request.

Per the narrative provided by the applicant, the proposed cemetery will consist of a 900 square foot office building and grounds with a park-like atmosphere. The project proposes to add walking paths, a gazebo, water features, scattering gardens, and multiple monuments for the purposes of housing cremated remains. A memorial for emergency service animals will be erected, at no charge to the customer.

Construction is proposed within two (2) phases. The first phase (phase 1) will consist off the parking lot, office, and cemetery improvements identified as phase 1 on the conceptual plan (see figure 3). Phase 2 will follow as identified within the concept plan shown in figure 3.

Maintenance and care of the cemetery is proposed by giving patrons two options. The first option is "Annual Care" this option would require a yearly payment towards the maintenance of the cemetery. The second option is "Legacy Care", a one-time fee, which is to be placed in its entirety, into an interest-bearing trust fund to perpetually fund the cemetery's maintenance. The owner has had experiencing operating traditional cemeteries for over fifty years.

Figure 1
Aerial Photograph of Subject Property

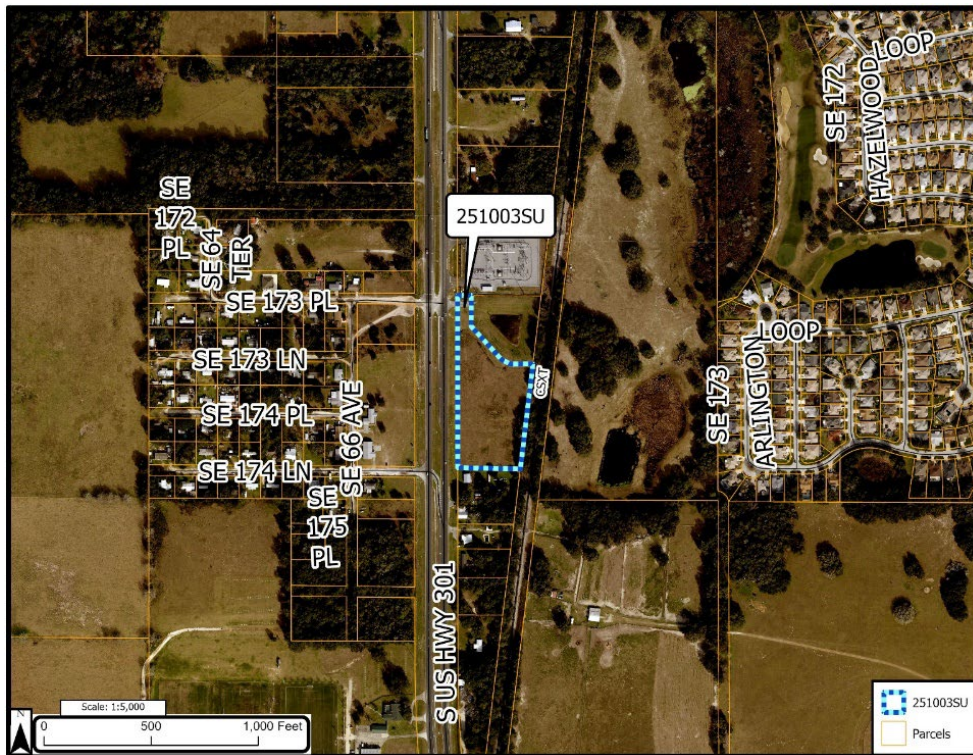


Figure 2
Conceptual Site Plan Submitted by Applicant



Figure 3
Conceptual Site Plan with Phasing Submitted by Applicant



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **Approval with Conditions** as specified in Section VII.B. of this Staff Report. The recommended conditions are being imposed to address compliance with the requirements in Land Development Code (LDC) Sections 2.8.2.D and 2.8.3.B, in the event of approval.

III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C, notice of public hearing was mailed to 13 property owners within 300 feet of the subject property on September 12, 2025. Consistent with LDC Section 2.7.3.B, public notice was posted on the subject property on September 11th, 2025, where site photos were also collected (Attachment B) and consistent with LDC Section 2.7.3.E due public notice was published in the Ocala Star-Banner on September 15th, 2025. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received. Evidence of the above-described public notices are on file with the Growth Services Department and are incorporated herein by reference.

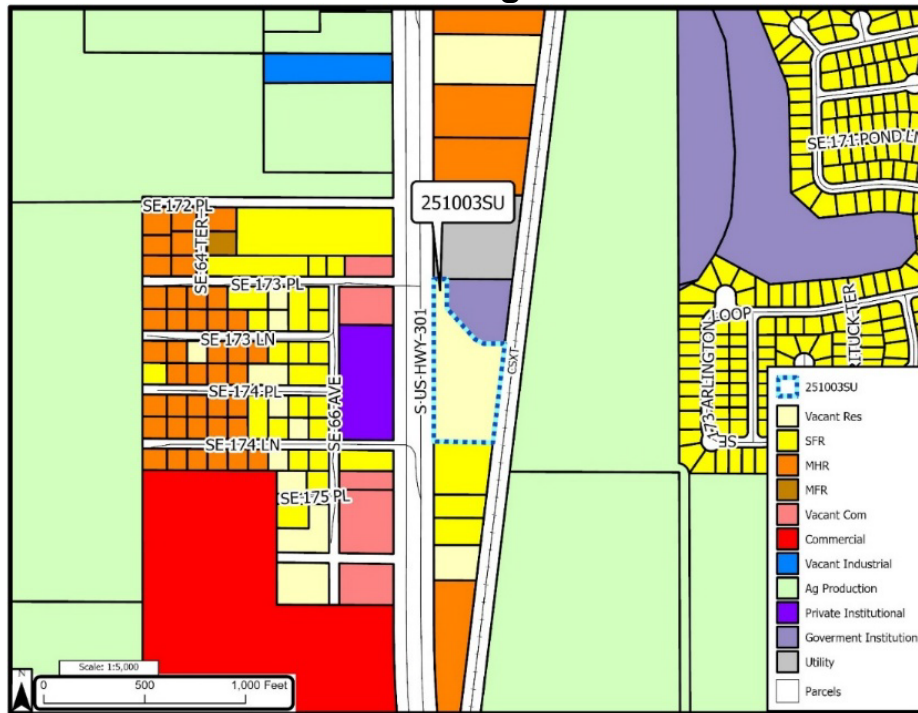
IV. BACKGROUND/CHARACTER OF THE AREA

- A. *Existing site conditions.* Figure 4 shows that the property is currently vacant and located outside of the Urban Growth Boundary. Figure 5 shows the existing uses on the subject parcel and surrounding parcels. The site is surrounded by Government Institution (drainage retention area) and Utility (SECO) to the north, Single-Family Residences to the south, CSX rail line and Ag Production to the east, and to the west, across S US HWY 301, there are Vacant Commercial properties and a Private Institutional (church) parcel.

Figure 4
Existing Conditions Map

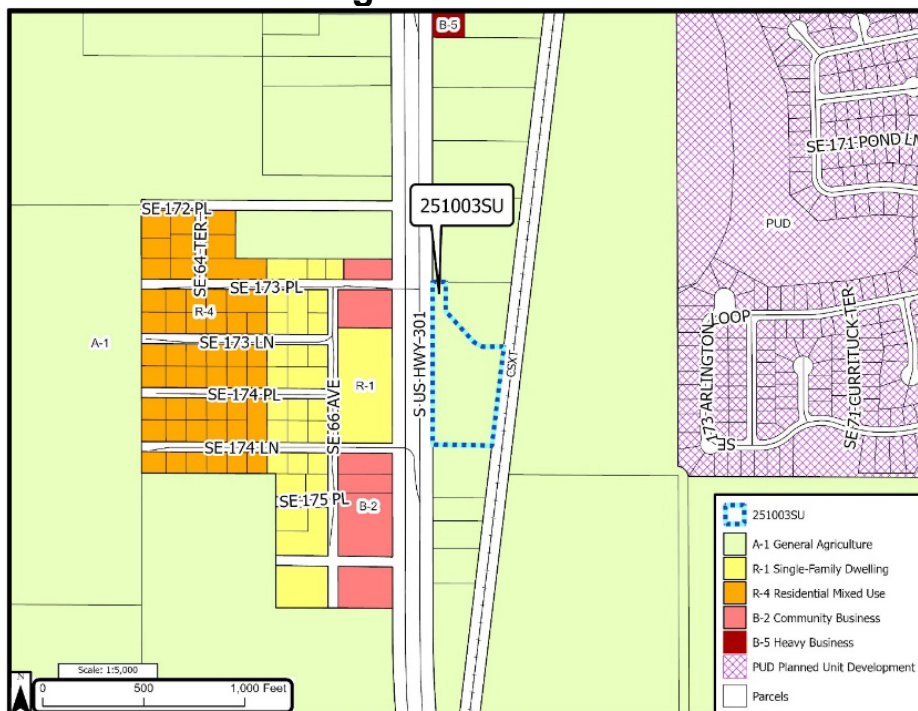


Figure 5
MCPA Existing Uses



- B. *Zoning district map.* Figure 6 shows the subject property, and the surrounding properties to the north, south, and east are classified as A-1; while the properties to the west, across from S US HWY 301, are classified as R-1 and B-2.

Figure 6
Zoning Classification



C. *FLUMS designation.* Figure 7 is the FLUMS and it shows that the subject property and abutting properties to the south, east and west are designated Rural Land (RL) while the properties to the north are designated Public (P).

Figure 7
FLUMS Designations



V. ANALYSIS

LDC Section 2.8.2.D provides that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding the SUP addresses nine (9) specific requirements. LDC Section 2.8.3.B requires consistency with the Comprehensive Plan. Staff's analysis of compliance with these ten (10) requirements are addressed below.

A. *Consistency with the Comprehensive Plan.*

1. Policy 2.1.5: **Permitted & Special Uses** – The county shall identify permitted and special uses for each land use designation and zoning classification, as further defined in the Comprehensive Plan, Zoning, and LDC.

Analysis: LDC Section 4.2.3 requires a special use permit to allow a cemetery within A-1 zoning. The proposed project will consist of a cemetery for cremated pet remains. A Conceptual Site Plan is provided by the applicant in Attachment A, and in figures 2 and 3.

- B. *Provision for **ingress and egress** to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*

Analysis: Ingress/egress to the location is proposed to be provided by a single access point into the cemetery from S US Highway 301, in accordance with the provided conceptual plan, shown in figure 2. Staff concludes that the application is **consistent** with provisions for ingress and egress.

- C. *Provision for **off-street parking and loading areas**, where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the SUP on adjoining properties and properties generally in the surrounding area.*

Analysis: Parking will be provided on site as shown in the Conceptual Site Plan. According to the applicant's Findings of Fact, the proposed parking will meet the requirements of the Marion County Land Development Code. The application is **consistent** with provisions for off-street parking and loading areas.

- D. *Provisions for **refuse and service area**, with particular reference to the items in (1) and (2) above.*

Analysis: The findings of facts state that the applicant will contract with a professional refuse collection service for regular removal and disposal of all refuse. The application is **consistent** with this provision.

- E. *Provision for **utilities**, with reference to locations, availability, and compatibility.*

Analysis: As per the applicant's Findings and Facts (Attachment A), utilities for the facility have been identified. Electric service will be provided by SECO, while water services will be provided by private well. Marion County utilities are available for sewer connection; however, the applicant is requesting a waiver to install a septic tank. This is because the sewer connection is located across S US HWY 301 and would be cost prohibitive to the applicant. Utilities provided DRC comments (Attachment C) on the matter and are as follows, "*Sewer is immediately available via a long tap on the west side of S US HWY 301, and based on the proposed commercial office building, the parcel will be required to connect to the existing sewer force main.*" Due to the comments from utilities, staff imposes the following condition for the application to be **consistent** with the provision for utilities.

- The applicant must connect to central sewer services as required by Marion County Utilities.

F. *Provision for **screening and buffering** of dissimilar uses and of adjacent properties where necessary.*

Analysis: Per the finding of fact, the applicant proposes alternative buffering from the requirements of the land development code. Along the northern boundary, a modified Type C buffer with no additional plantings, due to existing vegetation and buffering provided by the SECO substation. The northeastern boundary runs along a drainage retention area, which the proposed phase 1 will leave the surrounding area as a large open field. For continuity, during Phase 1 of construction, no vegetative buffers are proposed, but Type C vegetation will be installed upon the completion of Phase 2 (See figure 3 for phasing). The applicant also proposes to use larger plantings (3-gallon trees) for interior trees during Phase 1 as they are depicted on the conceptual plan. The eastern boundary is shared with CSX owned railroad tracks and is heavily vegetated. Applicant proposes to maintain existing vegetation and fill in any gaps with similar plantings. The southern boundary is shared with a residential use, which, by code, would require a wall in addition to a 20-foot-wide landscape strip. The owner of the parcel to the south has submitted a letter of support for a modified Type B buffer that utilizes a hedgerow instead of a wall. The hedgerow will consist of plantings such as viburnum or Ligustrum, that will be at minimum, two-feet tall upon planting, and capable of reaching six feet in height within three years. The western boundary adjacent to S HWY 301 will be a Type C buffer as required within the LDC. Staff agrees with the applicant and finds the application is **consistent** with the provision for screening and buffering. The following are staff-imposed conditions.

- During Phase 1 improvements, large plantings (i.e. 3-gallon plantings) shall be utilized for interior trees shown on the concept plan.
- The property shall have the following buffers as depicted in the table below:

TABLE 1. BUFFERS				
Direction	Adjoining Use	Per LDC	Proposed	Recommended
North	SECO Substation	Type "C"	Modified Type "C" without plantings	Proposed Buffer
Northeastern	FDOT DRA	Type "C"	Modified Type "C" with no additional plantings during Phase 1, Type "C" during phase 2.	Proposed Buffer
South	Residential	Type "B"	Modified Type "B"- with a hedge in lieu of a wall	Proposed Buffer
East	CSX Railroad	Type "C"	Modified Type "C" Maintaining existing vegetation.	Proposed Buffer
West	ROW	Type "C"	Type "C"	Proposed Buffer

- G. *Provision for **signs**, if any, **and exterior lighting** with consideration given to glare, traffic safety, economic effects, and compatibility and harmony with properties in the surrounding area.*

Analysis: According to the applicant's Findings of Facts, any new signage will comply with the requirements of the LDC. The applicant has not proposed adding any lighting but states that if lighting is deemed necessary that a photometric plan will be provided in accordance with the LDC. Staff finds the application is **consistent** with the provision for signs and exterior lighting.

- H. *Provision for **required yards and other green space**.*

Analysis: Per the applications Finding of Fact (Attachment A), with the exception of a 900 square foot office building and approximately 10 parking spaces, the remaining 4 acres will be maintained with a natural, park-like aesthetic, and have significant open and green space. Staff finds the application is **consistent** with the provision for green spaces.

- I. *Provision for general **compatibility** with adjacent properties and other properties in the surrounding area.*

Analysis: Compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. The proposed special use on A-1 zoning is compatible with adjacent and surrounding properties such as utility, government, commercial, and residential uses as discussed in previous sections and shown in figure 5. Regarding the residential use abutting the south of the property, the owner has submitted a letter in support of this application. Staff finds the application is **consistent** with the provision for general compatibility with adjacent properties and other properties in the surrounding area.

- J. *Provision for meeting any **special requirements** required by the site analysis for*

Analysis: Staff notes that unlike a variance, which runs with the land and is recorded in the public records, a special use permit is not recorded. As a result, a subsequent owner will not have notice of the requirements. Staff recommends the following conditions that will void the SUP if the property changes hand.

- The site shall be developed and operated consistent with the proposed uses, submitted Conceptual Site Plan, and the conditions as provided with this approval.
- There shall only be cremated pet remains interred on the property.

Based on the above findings, Staff concludes the SUP is consistent with LDC Sections 4.2.28 provided conditions to address the ten (10) requirements are imposed.

VI. ALTERNATIVE RECOMMENDATIONS

- A. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to the Board of County Commissioners to **DENY** the special use permit amendment.
- B. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein so as to support the approval of the Ordinance with amended conditions and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **APPROVE WITH AMENDED CONDITIONS** the special use permit.
- C. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed to support a recommendation on the proposed Ordinance, and make a recommendation to the Board of County Commissioners to **TABLE** the application for up to two months in order to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

VII. STAFF RECOMMENDATION

- A. Staff recommends the Planning and Zoning Commission enter into the record the Staff Report and all other competent substantial evidence presented at the hearing and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **APPROVE WITH CONDITIONS** the special use permit.

B. To address compliance with LDC Sections 2.8.2.D and 2.8.3.B, the following conditions are imposed:

1. The site shall be developed and operated consistent with the proposed uses, submitted Conceptual Site Plan, and the conditions as provided with this approval.
2. There shall only be cremated pet remains interred on the property.
3. During Phase 1 improvements, large plantings (i.e. 3-gallon plantings) shall be utilized for interior trees shown on the concept plan.
4. The special use permit shall comply with the buffers listed in Table 1 below.

Direction	Adjoining Use	Buffering Required
North	SECO Substation	Modified Type "C" without plantings
Northeastern	FDOT DRA	Modified Type "C" with no additional plantings during Phase 1, Type "C" during phase 2.
South	Residential	Modified Type "B"- with a hedge in lieu of a wall
East	CSX Railroad	Modified Type "C" Maintaining existing vegetation.
West	ROW	Type "C"

5. The applicant must connect to central sewer services as required by Marion County Utilities.

VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning commission recommended approval, with the alternate condition that the staff-imposed condition of requiring sewer connection be removed.

IX. BOARD OF COUNTY COMMISSIONERS' ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. SUP application.
- B. Site Photos.
- C. DRC Comments.