



**Marion County  
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>P&amp;ZC Date: N/A</b>	<b>BCC Date: 11/19/2024</b>
<b>Case Number:</b>	241109RA
<b>CDP-AR:</b>	31877
<b>Type of Case:</b>	<b>Reasonable Accommodation:</b> For two Pot-bellied Pigs in R-4 Zoning
<b>Owner</b>	Kathy Werner
<b>Applicant</b>	Same as Owner
<b>Street Address</b>	14211 NE 208 <sup>th</sup> Ct Salt Springs, FL 32134
<b>Parcel Number</b>	11241-003-14
<b>Property Size</b>	±0.34
<b>Future Land Use</b>	Rural Land (RL)
<b>Zoning Classification</b>	Residential Mixed Use (R-4)
<b>Overlay Zone/Scenic Area</b>	Secondary Springs Protection Zone
<b>Staff Recommendation</b>	<b>Approval with Conditions</b>
<b>P&amp;ZC Recommendation</b>	<b>N/A</b>
<b>Project Planner</b>	Christopher Rison AICP, Senior Planner Antony Alva, GIS Technician Analyst
<b>Related Case(s)</b>	220314RA

## I. ITEM SUMMARY

Kathy Werner, the applicant and property owner, has submitted a Reasonable Accommodation (RA) Special Use Permit (SUP) application to allow two pot-bellied pigs on her residential property, located in an R-4 zoning district (Mixed Residential). For additional details, refer to **Attachment A**. Figure 1 provides an aerial view of the general property location. The property at 14211 NE 208th Ct, within the Secondary Springs Protection Zone, is identified by Parcel Number 11241-003-14. **It should also be noted that Ms. Werner owns the adjacent parcel to the east, identified as Parcel Number 11241-003-13.**

The applicant has stated that these pot-bellied pigs serve a therapeutic role as emotional support animals. Pot-bellied pigs are a compact breed native to Southeast Asia, identifiable by their small, rounded bellies. These animals are typically trained similarly to dogs, and the applicant plans to keep them indoors at night in designated beds and outside under supervision during the day in a secure, ample pen area. The pen, enclosed by a 34-inch-high fence and covering approximately 180 square feet, includes a mature tree in the center to provide natural shade and coverage, creating a safe and contained environment for the pigs to roam, refer to **Attachment C**. During the site visit, no noticeable odors, waste, or noise were observed; animal waste is properly collected and stored securely on the property.

### STAFF SUMMARY RECOMMENDATION

Staff recommends approval of the application, with conditions outlined in Section VII.B of this report, to ensure compliance with relevant sections of the Land Development Code (LDC), specifically Sections 2.8.2.D, 2.8.3.B, and 4.2.6(f).

### NOTICE OF PUBLIC HEARING

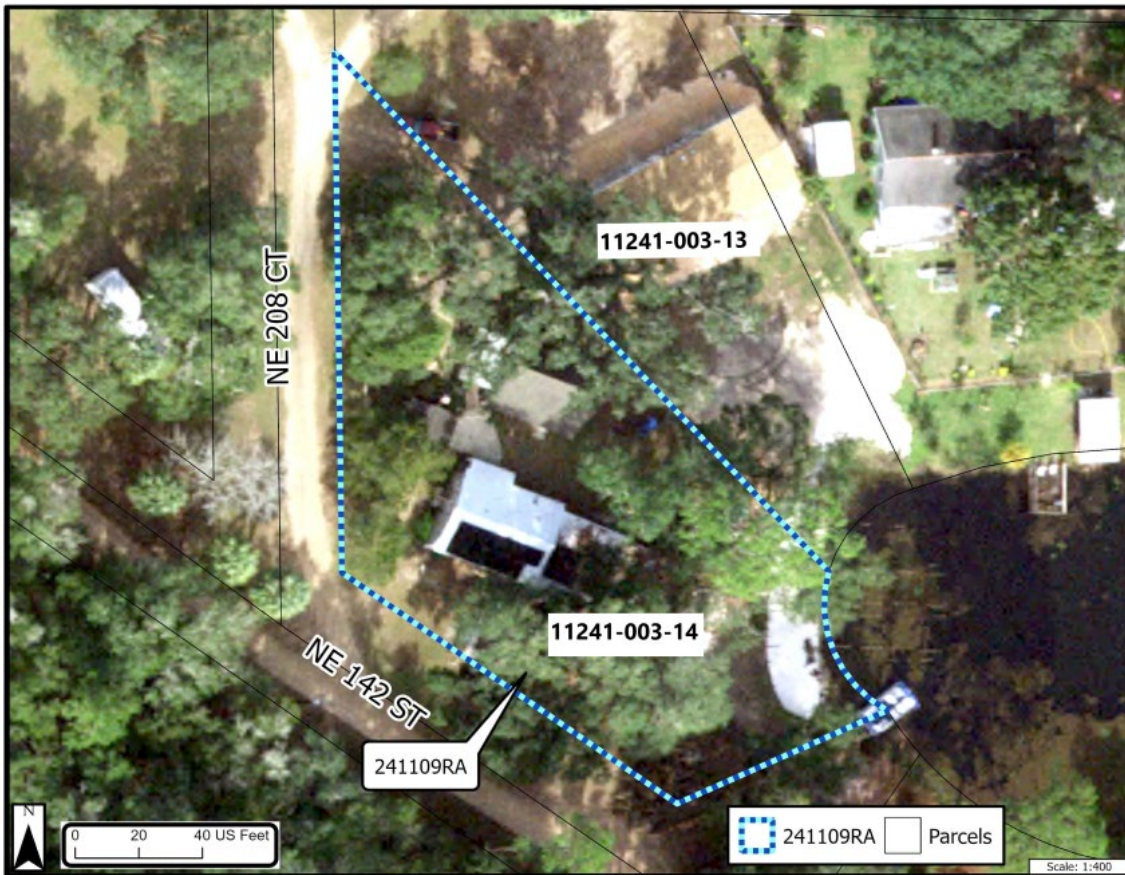
In compliance with LDC Section 2.7.3.C, notice of the public hearing was sent to all 17 property owners within a 300-foot radius of the subject property on November 1, 2024. A public notice was posted on the property itself on November 1, 2024, with photos included in Attachment C, and a notice was published in the Ocala Star-Banner on November 4, 2024. At the time of this report's release, no letters of opposition or support have been received. All evidence of public notice is maintained on file with the Growth Services Department.

### BACKGROUND/CHARACTER OF THE AREA

The property is classified as Multi-Family Residential (MFR) per the Marion County Property Appraiser's Office (see Figure 2) and is bordered by vacant land to the northwest, with single-family residential and Mobile Home Residential (MHR) parcels to the north and southeast.

**(Complete report below.)**

**Figure 1**  
**Aerial Photograph of Subject Property**



## II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** with conditions 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, and 4.2.6(f).

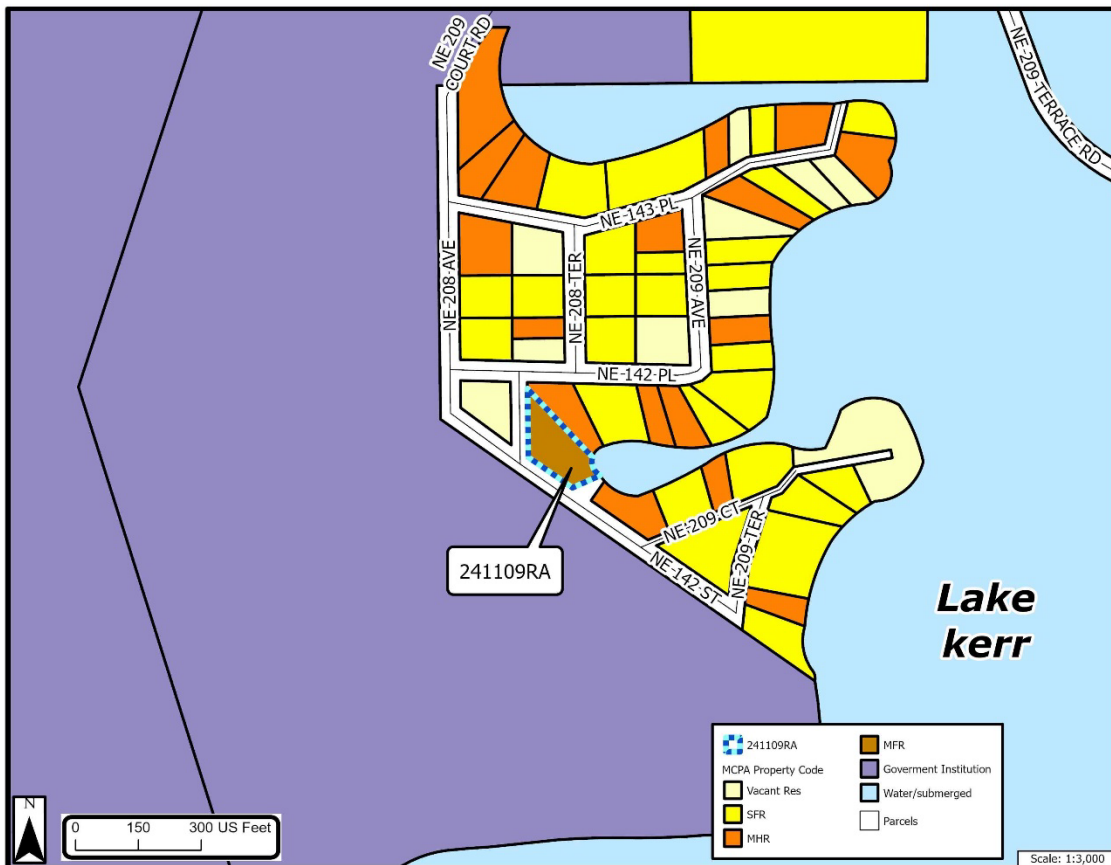
## III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C, notice of public hearing was mailed to all property owners (17 property owners) within 300 feet of the subject property on November 1, 2024. Consistent with LDC Section 2.7.3.B, public notice was posted on the subject property on November 1, 2024, where site photos were also collected (Attachment C) and consistent with LDC Section 2.7.3.E due public notice was published in the Ocala Star-Banner on November 4<sup>th</sup>, 2024. 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

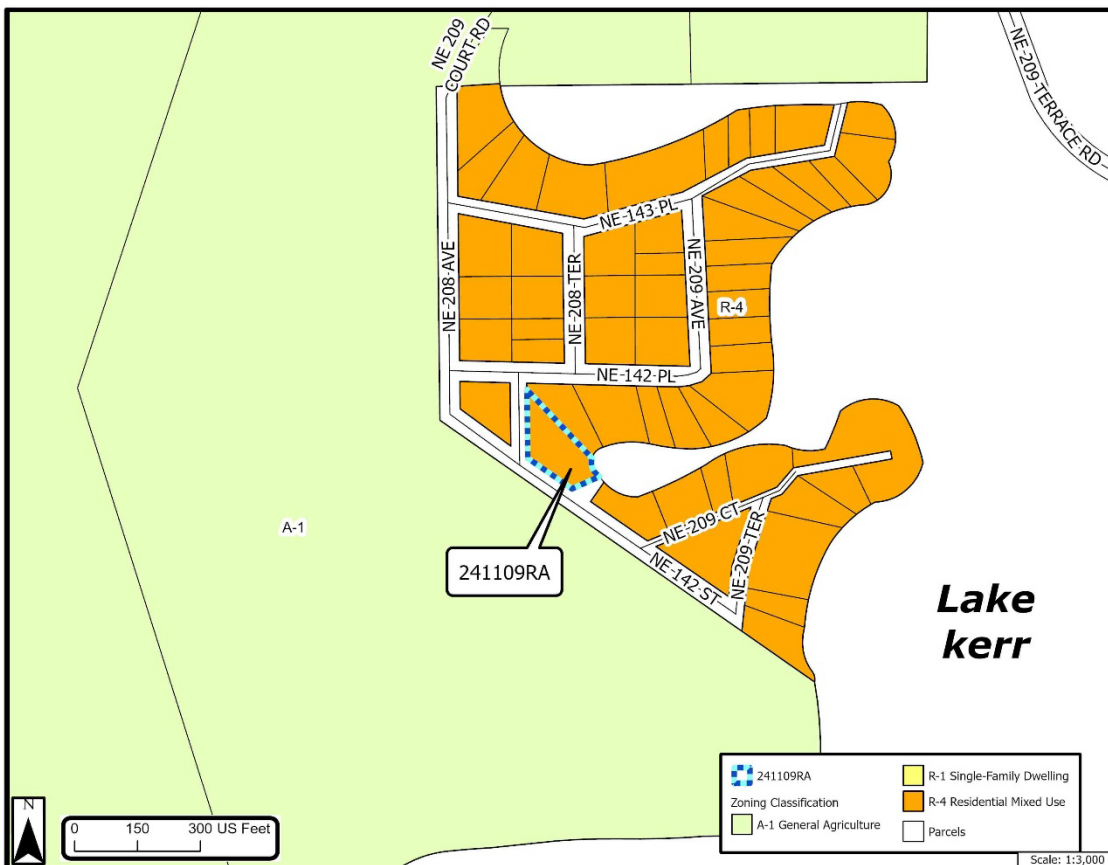
A. *Existing site conditions.* The property card shows that the site is MFR (Multi-Family Residential). Figure 2 shows that the property is currently listed as Multi-Family Residential by the Marion County Property Appraiser's Office. The site is surrounded by vacant parcel to the North West, with nearby uses being single family residential and MHR (Mobile Home Residential) Parcels to the North and South East of the subject property.

**Figure 2**  
**Existing Conditions Map**



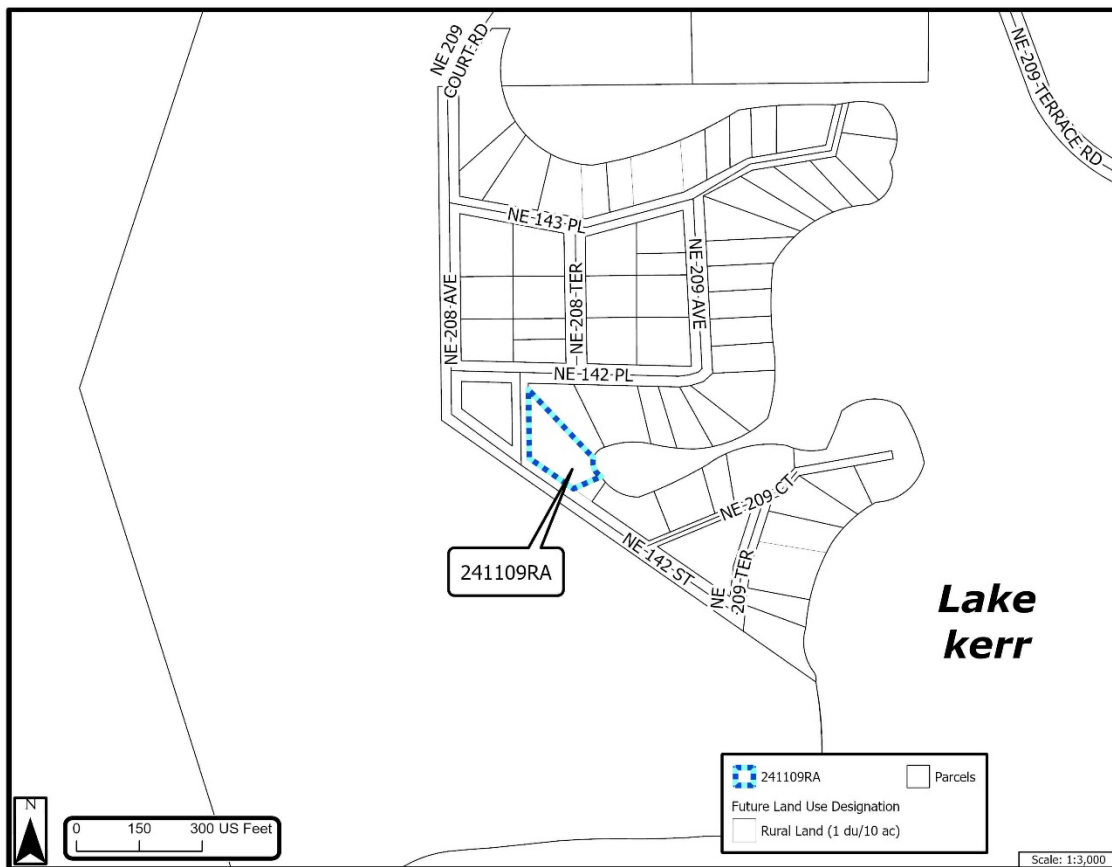
B. *Zoning district map.* Figure 3 shows the subject property is classified as Residential Mixed Use (R-4). This is the property's initial zoning classification.

**Figure 3**  
**Zoning Classification**



C. *FLUMS designation.* Figure 4 is the FLUMS and it shows that the subject property is designated Rural Land (RL), allowing a maximum development of 1 dwelling units per 10 acres. This is the property's initial land use designation.

**Figure 4**  
**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 Reasonable Accommodation addresses specific requirements. LDC Section 2.8.3.B requires consistency with the Comprehensive Plan. Staff's analysis of compliance with these requirements are addressed below.

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

**Analysis:** The property has two access points off NE 142th PL and NE 142th ST.

- B. *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 RA on adjoining properties and properties generally in the surrounding area.*



**Analysis:** The property owner has a personal driveway, and no additional parking is expected to be needed for this specific use. No noise, glare, or odor impacts are anticipated to affect surrounding properties.

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

**Analysis:** The provided site plan indicates that the house will remain unchanged, not altering any of the existing conditions on site. The outdoor fenced pen is on the east side of the house, and is meeting setbacks from other properties. The applicant has stated that all waste will be collected personally when removing it from the site. Notwithstanding, staff imposes the following condition.

- *The property owner will maintain a well-kept area for the Potbelly Pigs.*
- *Waste produced by the animals shall be collected weekly to minimize any potential impacts on neighbors.*
- *The property owner will maintain the structure of the fenced pen to ensure it is secure and in good condition at all times.*

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

**Analysis:** The property has an existing well and septic system, and water is available for the animals.

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

**Analysis:** The Findings of Facts provided states that the property owner/applicant is also the landlord of the property adjacent to the East and the residential structure to the Southwest which is on the same parcel of this application. Notwithstanding, staff imposes the following conditions:

- *The pen fencing around the property shall be maintained in good condition.*
- *The area between the pen and the adjacent parcel to the east shall always be maintained and open and clear.*
- *The applicant has ninety (90) days to add vertical supports to the wire panel fence joints to enhance its stability and safety.*

- F. *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:** There will not be any additional signs or exterior lighting as a result of this use.

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

**Analysis:** The Pen are found to be consistent with required yard setbacks of 8 ft. The area around the pen is clear and open where the pen face the adjacent parcel

- H. *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. Figure 1 is an aerial photograph displaying existing and surrounding properties. Figure 5 is an aerial photograph showing the subject property, adjacent properties, and the existing residential area. At this time, this area is comprised of low-density residential with some Vacant Parcels.

**Figure 5**  
**Local Aerial Photograph of Subject Property**





I. *Provision for meeting any **special requirements** required by the site analysis for the particular use involved.*

**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 has recommended a condition that will void the (RA) Reasonable Accommodation if the property changes hands. To ensure that the (RA) Reasonable Accommodation stays in compliance and has a system of periodic reviews, Staff recommends a list of conditions provided at the end of this report to mitigate the possibility of any negative impacts from this special use.

- The Reasonable accommodation runs with the owner, and not the property.
- The Applicant acknowledges that only two (2) pot-bellied pigs, as prescribed by her doctor, are permitted on the property.
- The applicant agrees that this permit applies solely to the two (2) pot-bellied pigs listed.
- The applicant must notify Growth Services Planning and Zoning if either pot-bellied pig passes away.
- The pot-bellied pigs must be supervised whenever they are outdoors during the day.
- Under this Reasonable Accommodation. Marion County Code Enforcement may access the property for inspections as necessary, with prior notification provided to the applicant.

J. *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 4.2.9 requires a Special Use Permit for Pot-bellied pig as pets use in R-4 zoning. Thus, the application is consistent with FLUE Policy 2.1.5.

Based on the above findings, Staff concludes the (RA) Reasonable Accommodation is consistent with LDC Sections 2.8.2.D and 2.8.3.B provided conditions to address the 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 Board 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 AS CONDITIONED** the Reasonable Accommodation (RA).
- B. To address compliance with LDC Sections 2.8.2.D and 2.8.3.B, the following conditions are imposed:
  - 1. *The property owner shall maintain a well-kept area for the pot-bellied pigs.*
  - 2. *Waste produced by the animals must be collected weekly and disposed of at an approved waste management facility to minimize impacts on neighboring properties.*
  - 3. *Fencing around the pen must be kept secure and in good condition at all times.*
  - 4. *The area between the pen and the adjacent parcel to the east shall always be maintained and open and clear.*
  - 5. *The applicant has ninety (90) days to add vertical supports to the wire panel fence joints to enhance its stability and safety.*
  - 6. *The applicant acknowledges that only two (2) pot-bellied pigs, as prescribed by her doctor, are permitted on the property.*

7. *The applicant agrees that this permit applies solely to the two (2) pot-bellied pigs listed.*
8. *The applicant must notify Growth Services Planning and Zoning if either pot-bellied pig passes away.*
9. *Under this Reasonable Accommodation, Marion County Code Enforcement may access the property for inspections as necessary, with prior notification provided to the applicant.*
10. *The pot-bellied pigs must be supervised whenever they are outdoors during the day.*
11. *The Reasonable Accommodation is attached to the applicant, not the property, and does not transfer with ownership.*

## **VIII. BOARD OF COUNTY COMMISSIONERS' ACTION**

To be determined. Schedule for November 19, 2024, at 2:00 PM.

## **IX. LIST OF ATTACHMENTS**

- A. SUP Application for the RA.
- B. DRC Comments.
- C. Site Photos and animal photos.