



Marion County Board of County Commissioners

Date: 10/4/2021

P&Z: 9/27/2021 BCC: 10/19/2021

Item Number 211001SU

Type of Application
Special Use Permit

Request
To operate a dog kennel
for boarding in A-1,
General Agriculture

Owner/Applicant
Jennifer and Antonio
Tuggerson

Parcel #/Acreage
07901-000-06/3 acres

Future Land Use
Rural Land

Existing Zoning
A-1 General Agriculture

Recommendation
Approval With Conditions

P&Z Recommendation:
Approval with Conditions

Project Planner
Dan Zhu, Senior Planner

Additional Information

**Code Enforcement
Action:**
None



Item Summary

Staff is recommending **Approval With Conditions** of a special use permit to allow a dog boarding facility on 3 acres in A-1 General Agriculture zoning. This is not a code case driven application. No breeding or sales are proposed with this operation.

Location

The subject property is located at 2640 NE 135th ST, Anthony. The property is zoned A-1 General Agriculture and has a Rural Land use designation.

Public Notice

Notice of public hearing was mailed to 14 property owners within 300 feet of the subject property. 2 letters in opposition have been received or 14%.

Background/ Request

On the subject property, there is a house, a storage shipping container, a chicken coop, a goat shed and a barn. According to the applicant, there are 10 goats, 20 chickens and 6 dogs on the property. These dogs are the applicant's personal animals and are not included in the boarding proposal. The applicant requests a special use permit to allow the operation of a dog boarding facility on 3 acres in A-1, General Agriculture, in accordance with the Marion County Land Development Code (LDC), Article 2, Division 8 "Special Use", in A-1 General Agriculture.

The applicant states that she is the property owner and resides on the property. She has been volunteering for Marion County Animal Services and SPCA of Ocala for many years.

The applicant is proposing to have a 20 ft standard size shipping container as an office. Two additional shipping containers, each with a size of 40 ft by 10 ft, will be divided into 4 ft by 4 ft rooms or 6 ft by 6 ft rooms for a total of 18 rooms for 18 dogs. The dogs will be kenneled on the south of the property and have about two (2) acres of fenced-in property to roam around when the dogs are allowed outside. On a typical day, the dogs will be closed indoors no later than 10 PM and will not be let them out until 7 AM for the purposes of noise reduction and safety. Kennel business hours will be from 9 AM to 7 PM. Waste removal will be completed by the property owners at least twice a week.

The access to the kennel will be off a dirt road through a private driveway. The entry to the property will be through a gated entrance, and parking will be directly in front of the office. The office will be located on the back portion of the property, directly in front of the kennel building. Power is supplied by Progress Energy, and there is already an existing well and septic on site. Electric and water will be run out to the kennels from the existing line. The property in front of the office will be landscaped with grass and plants or flowers. The entire property is already fenced and cross-fenced, and additional fencing will be added for the dogs' play yards.

Analysis

In reaching its decision, the Board of County Commissioners shall find that the following exist:

The proposed use falls under the term "kennel" in the Marion County LDC. Kennel is defined as "any place or premises where four or more dogs or cats, over four months of age, are groomed, bred, boarded, or trained for compensation or income." Kennels are allowed by right in zoning B-4 and B-5 commercial districts and by Special Use Permit in A-1 General Agriculture.

The following table summarizes adjacent future land use designation, zoning districts, and existing uses:

ADJACENT PROPERTY CHARACTERISTICS			
Direction of Adjacency	Future Land Use Designation	Zoning	Existing Use/MCPA Property Class
North	Rural Land	A-1 General Agriculture	(02) Improved Mobile Home
South	Public	G-U Government Use	(83) School/Public
East	Rural Land	A-1 General Agriculture	(02) Improved Mobile Home (94) Right-Of-Way
West	Rural Land	A-1 General Agriculture	(02) Improved Mobile Home (94) Right-Of-Way

Environmental	
Floodplain	None
Spring Protection Zone	Secondary
MCAVA	More Vulnerable

Infrastructure

Access to the property is from NW HWY 225A.

Road	Classification	Maintenance	Existing Conditions			
			Surface	No. Lanes	R/W Min. Width	R/W Deficiency
NW HWY 225A	-	-	Unpaved	1	25'	0'

Water/Sewer services are to be provided on site by Applicant.

Utility	Service Area
Water	Well
Sewer	Septic

Analysis

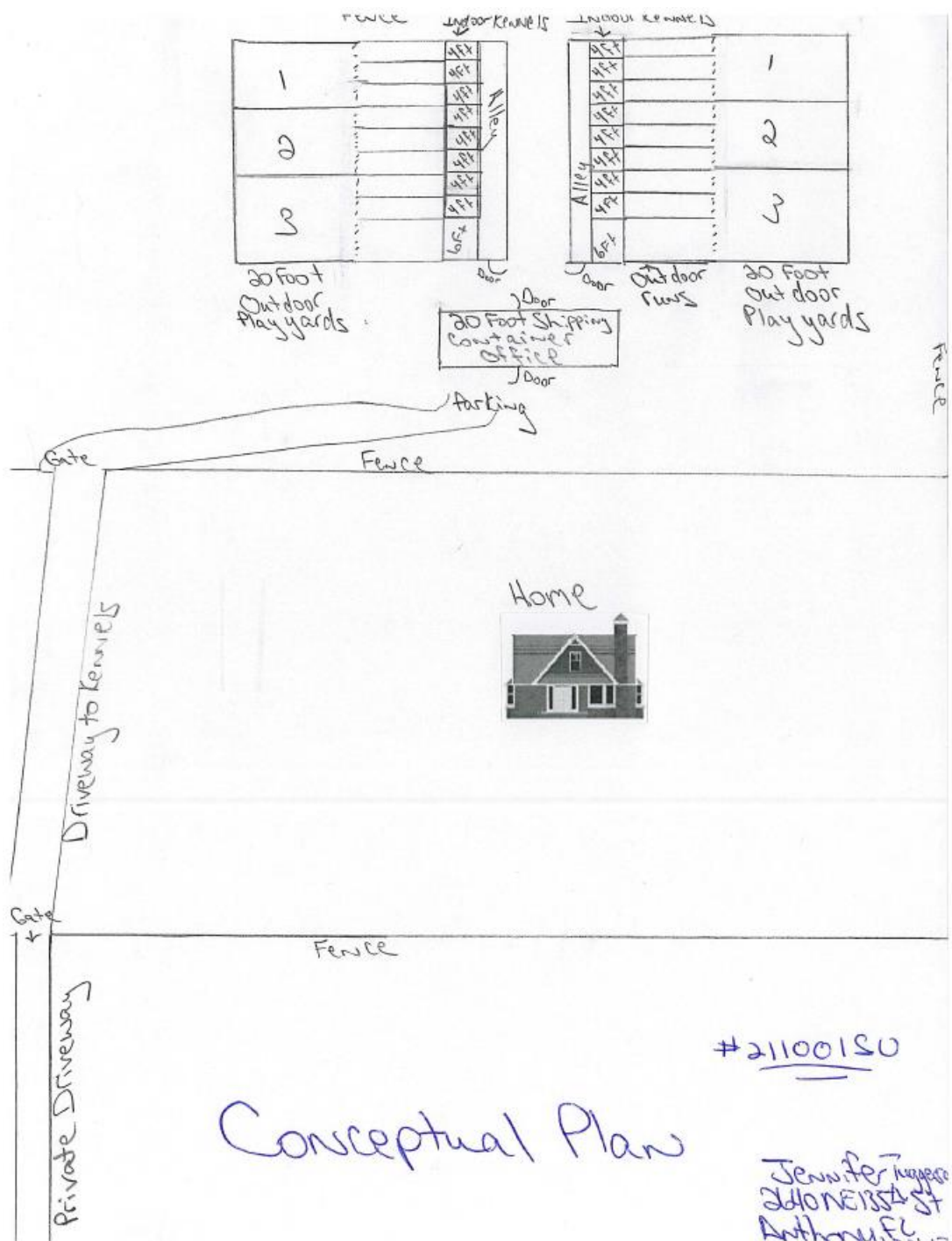
- 1. Granting the proposed Special Use Permit will not adversely affect the public interest.** The dog boarding facility will be a secondary function to a residential property. The subject property consists of 3 acres. The property is buffered with natural vegetation. The proposed conditions are believed to mitigate and put in place limitations to the intensity of use as well as provide monitoring of any negative impacts to the surrounding community through the Special Use Permitting process.
- 2. The proposed Special Use Permit request is consistent with the current Comprehensive Plan.** The FLU Map 1: Marion County 2035 Future Land Use Map of the Comprehensive Plan designates this property as Rural Land. A Special Use Permit to allow a dog boarding facility on Rural Land is allowed by the Comprehensive Plan per Policy 2.1.5.
- 3. The proposed Special Use Permit request is compatible with land uses in the surrounding area.** The subject property is 3 acres. Allowing this Special Use Permit with the conditions proposed will be compatible with the land uses in the surrounding area.

Staff Recommendation: Approval with Conditions

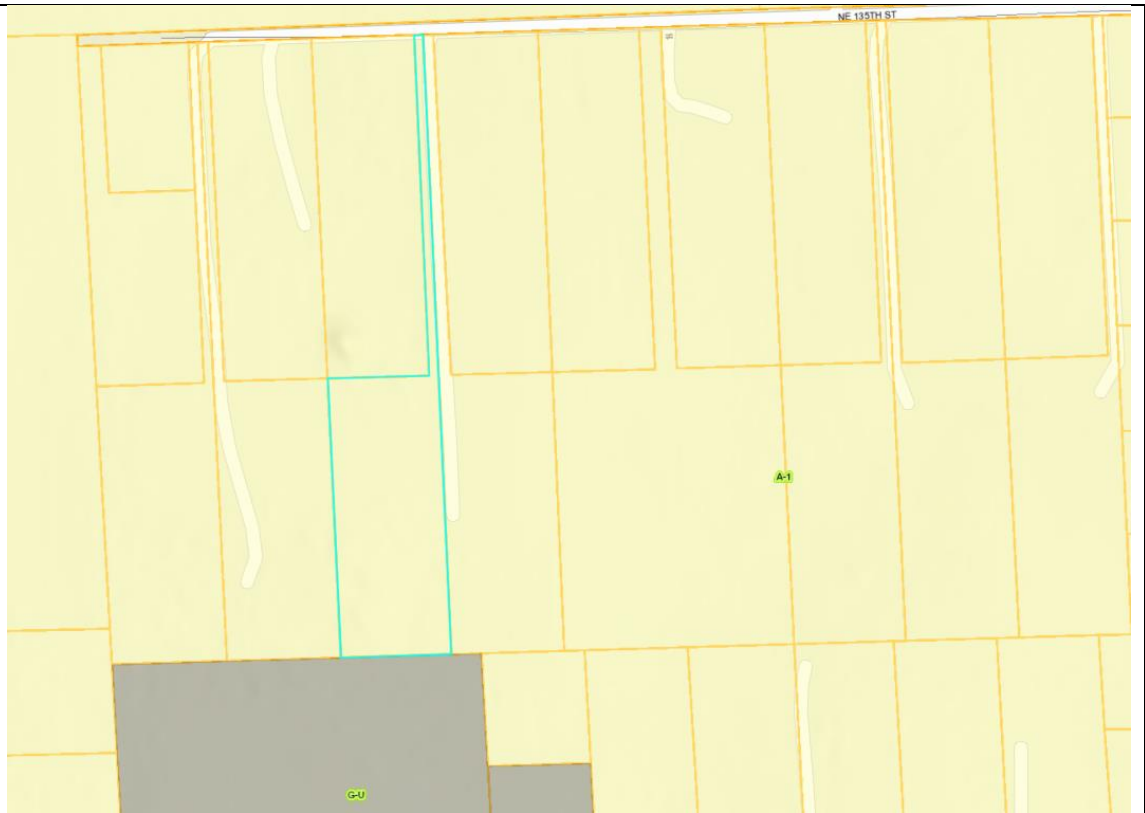
In the event the Planning & Zoning Commission and/or the Board of County Commission chooses to approve the application, the following conditions are the staff's recommendation:

Approval Conditions

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. This Special Use Permit shall run with the owners (Jennifer and Antonio Tuggerson) and not the property.
3. The kennel operator, Jennifer Tuggerson, shall reside on-site.
4. The dogs shall be kept inside between the hours of 9 pm and 7 am.
5. Current buffering vegetation shall remain.
6. Parking shall be provided onsite, and not within or along the right-of-way.
7. All lighting onsite shall be directed away from neighboring properties (pointed down) and shielding provided to prevent the overflow of light into the neighboring properties.
8. Overnight kenneling or boarding of dogs shall be limited to 18 dogs at a time.
9. No breeding or commercial sales of dogs/puppies shall occur on-site.
10. The Special Use Permit shall expire/terminate if there is a division and/or subdivision of the subject property.
11. The Special Use Permit shall expire October 19, 2026; however, it may be renewed administratively for up to three consecutive 5-year periods, by a written instrument signed and issued by the Growth Services Director (or position equivalent or designee at that time), unless:
 - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
 - b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
 - c. The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).



1: Concept Plan.



2: Zoning (A-1, General Agriculture)



3. Future land use (Rural Land).



4: Sign on the property entrance



5: The primary residence on site

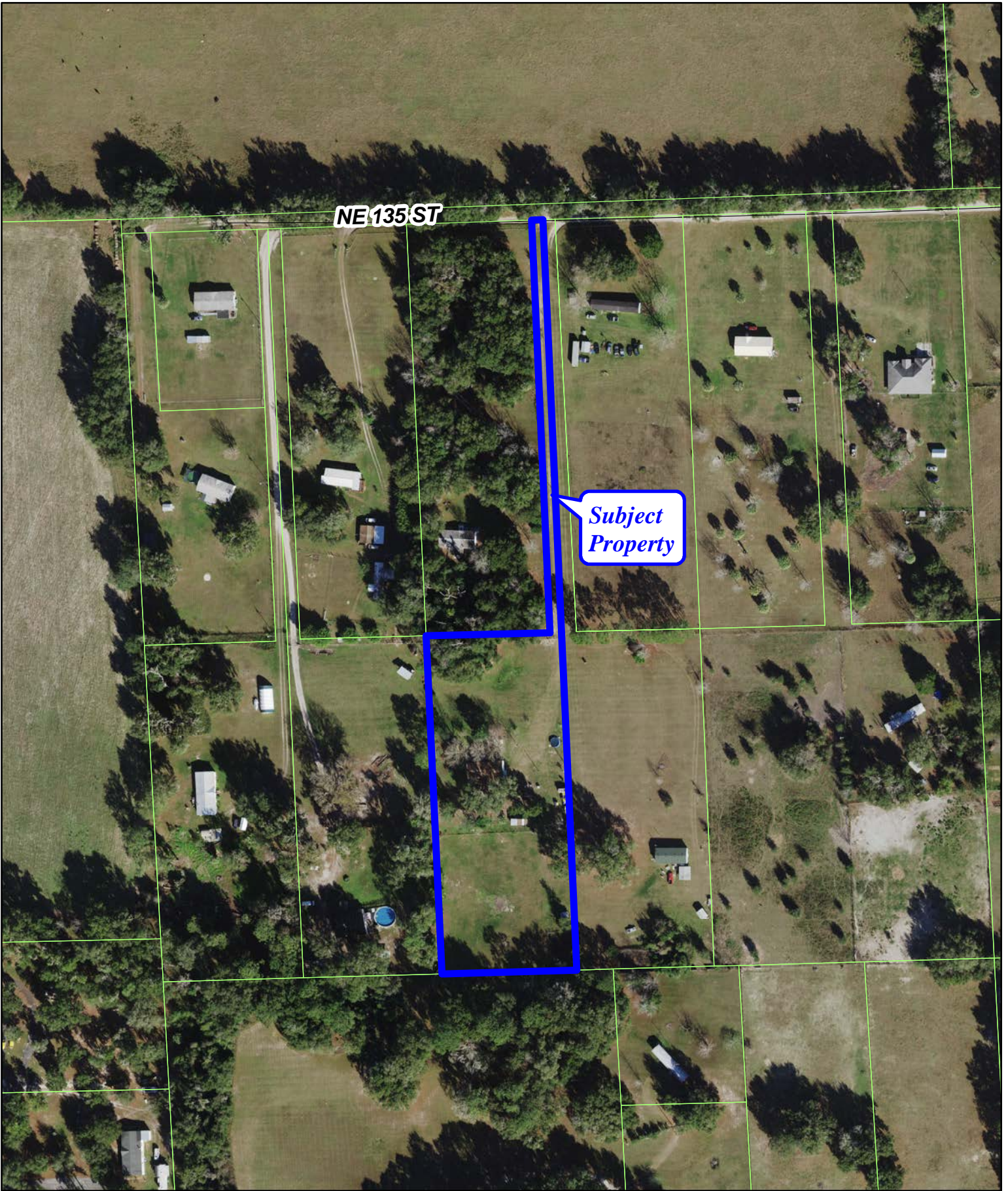


6: The property entrance



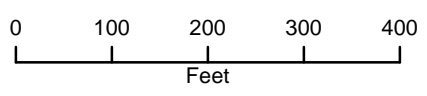
7: The proposed kennel location

Aerial: 211001SU

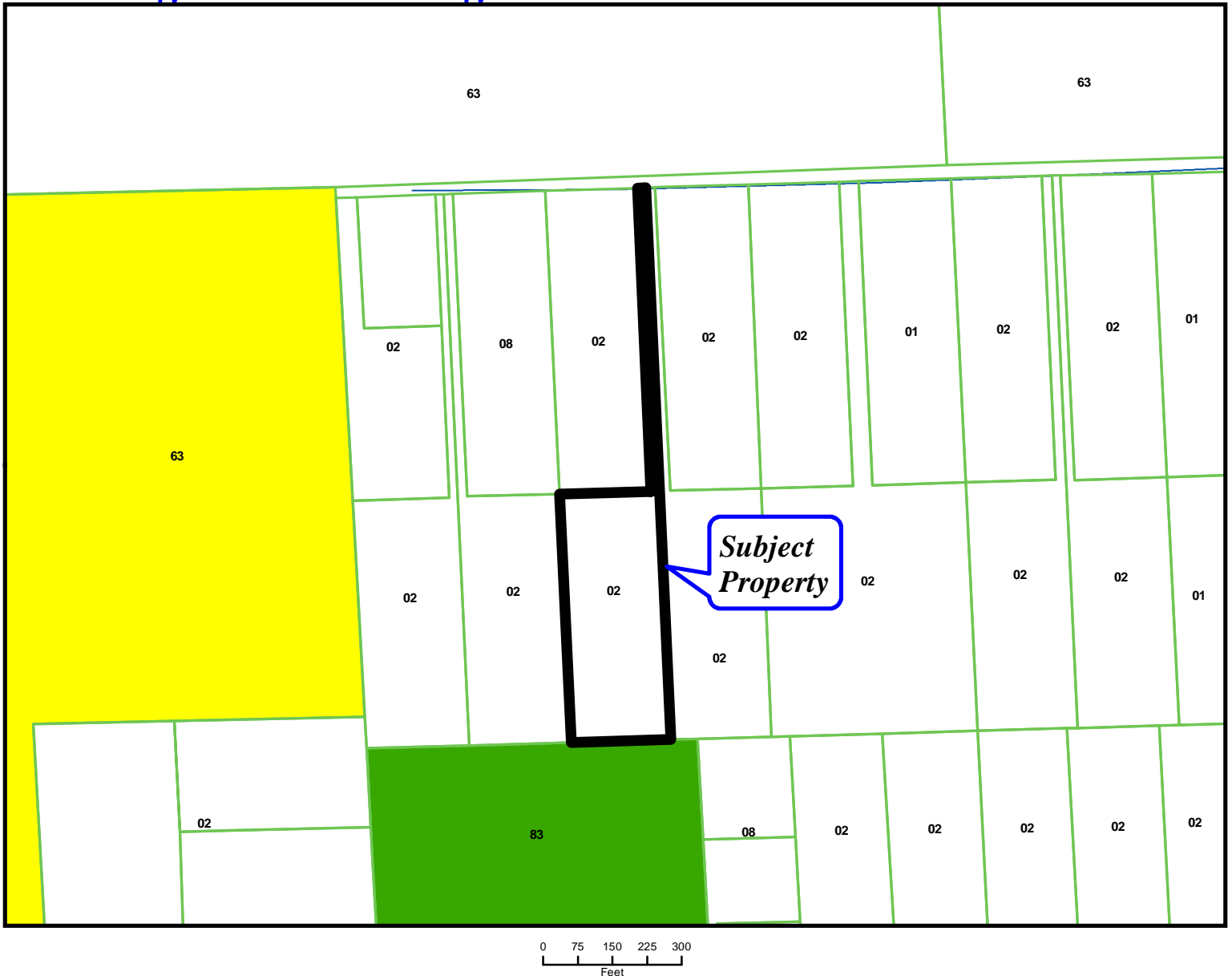




NE 135 ST

**Subject
Property**



Existing Land Use Designation 211001SU



Use per MC Property Appraiser		OWNER(S): Antonio and Jennifer Tuggerson
01	Single Family Res	AGENT: Same
50-69/99	Agricultural	
00/10/40/70	Vacant	PARCEL(S): 07901-000-06
71	Church	
02	Mobile Home	 <p>All provided GIS data is to be considered a generalized spatial representation, which is subject to revisions. The feature boundaries are not to be used to establish legal boundaries. For specific visual information, contact the appropriate county department or agency. The information is provided visual representation only and is not intended to be used as legal or official representation of legal boundaries.</p> 
06-07/11-39	Commercial	
41-49	Industrial	
83-98	Public	
82	Recreation	
03-05/08	Multi-Family	
77	Club/Lodge/Union Hall	

Legend		
• All Amendments	Rural Land (1 du/10 ac)	Urban Residential (8 - 16 du/ac)
★ Policy 1.20	Low Residential (0 - 1 du/ac)	Rural Activity Center (0 - 2 du/ac; FAR 0.35)
	Medium Residential (1 - 4 du/ac)	Rural Community (0 - 3 du/ac; FAR 0.70)
	High Residential (4 - 8 du/ac)	Commercial (0 - 6 du/ac; FAR 1.0)
	Farmland Preservation Area	Public (N/A; FAR 1.0)
	Environmentally Sensitive Overlay Zone (ESOZ)	Municipality
		Employment Center (0 - 12 du/ac; FAR 2.0)
		Commerce District (N/A; FAR 2.0)

* 211001SU

AP#: 27204

PA#: 07901-000-06



Marion County Board of County Commissioners

Growth Services
2710 E. Silver Springs Blvd. Ocala, FL 34470
Phone: 352-438-2600 Fax: 352-438-2601

SPECIAL USE PERMIT APPLICATION - REGULAR - \$1,000.00

The undersigned hereby requests a Special Use Permit in accordance with Marion County Land Development Code, Articles 2 and 4, for the purpose of: Dog Boarding Kennel - "proposed" w/ 18 Kennel Spaces for up to 20 dogs

Legal Description: (Please attach a copy of the deed and location map.) Parcel Zoning: A1
Parcel account number(s): 07901-000-06
Property dimensions: See attached Total acreage: 3
Directions: Now 441, R on 329, L on NE 30th Ct., Left on NE 135th St.

Each property owner(s) MUST sign this application or provide written authorization naming an applicant or agent to act on his behalf. Please print all information, except for the Owner and Applicant/Agent signature.

Jennifer + Antonio Tugerson

Property Owner name (please print) 2640 NE 135th St

Applicant or agent name (please print)

Mailing Address Anthony, FL 32617
City, State, Zip code 352-497-1270

Mailing Address
City, State, Zip code

Phone number (include area code) jennifertugerson9153@msn.com

Phone number (include area code)

E-mail address
Signature

E-mail address
Signature

PLEASE NOTE: A representative is strongly encouraged to attend the public hearings when this application will be discussed. If no representative is present, the request may be postponed or denied. Hearing notices will be mailed to the address(es) listed above. All information submitted must be correct and legible to process the Application. Contact Growth Services Planning & Zoning at (352) 438-2675 for more information.

Table with 5 columns: Project No., Code Case No., Application No., Zoning Map No., Rev. Date. Application No. is 27204, Rev. Date is 07/1/2019.

Sec. 22-13-22
"Span Mini Ranches"

Special Use Written Findings & Facts

1. Access to business will be off of a small dirt road through a private driveway access. Entry to the property will be through a gated entrance and parking will be directly in front of the office which will be in the back half of the property, directly in front of the kennel buildings.
2. Waste removal will be through property owners at least twice a week to the county dump.
3. Power is supplied by Progress Energy and there is already an existing well and septic on the property. Electric and water will be run out to the kennels from the existing lines.
4. Property in front of the office will be landscaped with grass and plants or flowers. The entire property is already fenced and cross fenced but there will be fencing added for play yards for the dogs. The fencing will be secure and stable.
5. Business sign will be out at the end of the driveway.
6. Kennel business hours will be normal daytime hours as to not inconvenience neighbors with traffic at odd hours. *9am - 7pm AT*
7. Dogs will be closed in their indoor runs no later than 10pm nightly and not let out until *7*am for purpose of noise reduction and safety.
8. Any special conditions necessary to obtain this special use permit, we are willing to comply with.

Jennifer and Antonio Tuggerson
2640 NE 135th St.
Anthony, Florida 32617
352-497-1270

MCBCC Interactive Map - Internal

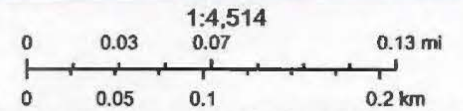
2110015U



7/28/2021 12:02:20 PM

Address Points

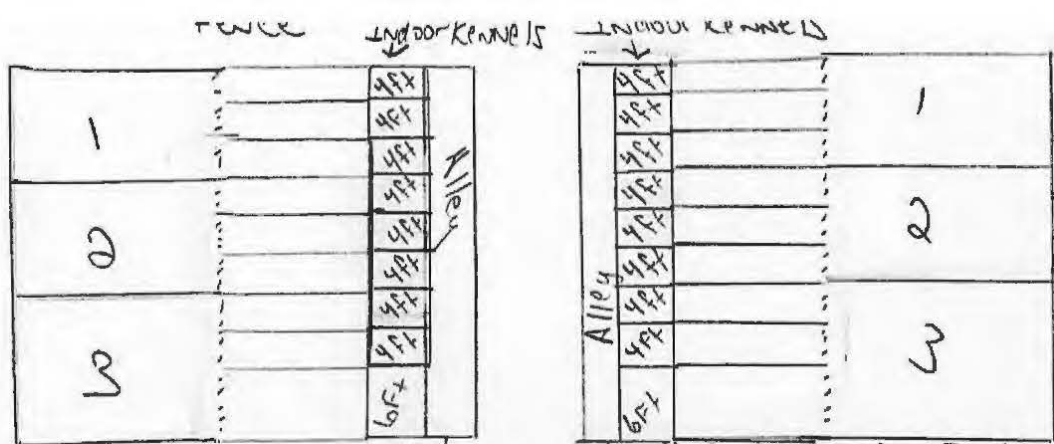
- | | | | | | |
|--|----------------------------------|--|--------------------------------------|--|--|
| | Structure - Addressed | | Miscellaneous - Confidential Address | | Telephone Equipment - Confidential Address |
| | Structure - Confidential Address | | Cemetery - Confidential Address | | Vacant - Confidential Address |
| | Gate - Confidential Address | | Tower - Confidential Address | | Electric Meter |
| | | | | | Elevator |



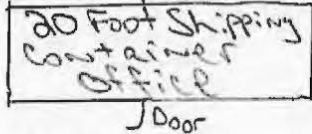
Marion County IT/GIS, E911, and Office of the County Engineer, Marion County IT GIS Team, Marion County Property Appraiser, FEMA, Map data © OpenStreetMap contributors, Microsoft, Esri Community Maps contributors, Map layer by Esri, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N

MCBCC IT/GIS

FOR INTERNAL COUNTY USE ONLY: MAY CONTAIN CONFIDENTIAL INFORMATION. IMPROPER DISCLOSURE MAY RESULT IN CRIMINAL PENALTIES (F.S.119.10).



20 Foot
Outdoor
Play yards



20 Foot
Outdoor
Play yards

20 Foot
Outdoor
Play yards

Parking

Fence

Home



Driveway to Kennels

Fence

#21100150

Conceptual Plan

Jennifer Rogers
240 NE 135th St
Anthony, FL

Private Driveway

Gate

Gate

Fence



TUGGERSON #211001SU X



Public Notification



07811-000-00

07906-000-00

07905-005-00

07905-0

07856-000-00

07901-000-4

07901-000-04

07901-000-03

07901-000-08

07901-000-09

07901-000-13

07901-000-12

07901-000-16

07901-000-17

07901-100-19

07

07901-00

07901-0

07901-0

07855-000-00

07901-000-02

07901-000-00

07901-000-06

07901-000-07

07901-000-10

07901-000-14

07901-000-15

07901-000-18

07901-

07901-

07855-001-02

07901-001-45

07901-C

07901-

300ft

-82.101, 29.345 Degrees

07855-001-01

07901-002-42

07901-000-41

07901-000-37

07901-000-38

07901-000-34

07901-000-33



#2110015U

Kennel License Application

Please submit the completed application to the Zoning Department, located at 2710 E. Silver Springs Blvd, Ocala, FL 34470, for review to determine if a Special Use Permit is needed. After Zoning has reviewed, please submit to Marion County Animal Services along with the nonrefundable application fee, inspection fee and proof of rabies vaccines and County Licenses on all animals.

Date 7/19/2011 Application for: Initial Kennel License Renewal
(License # _____)

Kennel Type (check all that apply): (please see definitions per Chapter 4 of Marion County Ordinance):

Large / Personal Business Breeder Pet Dealer Rescue

If you are a Rescue, are you 501c3? Yes No (if yes, you must submit a copy of your 501c3 determination letter)

Parcel Number(s) 07901-000-06 Zoning A1

Name Jennifer Tuggerson Phone number 352-497-1270
DOB 3/15/1976

Email jenniferjohnson9153@msn.com Driver License Number 266-433-78-595-0

Address 2640 NE 135th St City Anthony State FL
Zip 32607

Mailing Address (if different): _____ City _____ State _____
Zip _____

Business/Rescue Name TBSO Phone number _____

Business Address _____ City _____ State _____
Zip _____

Number of Animals (Dogs /Cats)
Plan to be up to 20 dogs
(Proof of current rabies vaccinations and County Licenses must be submitted with application)

Do you, or your establishment, offer or provide services for remuneration, including but not limited to, boarding, care, grooming, breeding, stud services, sale of offspring of adult dogs or cats etc.? Yes No

Do you have, or does your establishment provide services, where 4 or more dogs or cats, over 4

months of age, are groomed, bred, raised, boarded, or trained for compensation or income?

Yes No

DEPARTMENT USE ONLY:

ZONING: Received by: *Oneah J. H.* Date: 7.20.21 Reviewed by:

Oneah J. H. Special Use Permit required: Yes No Special Use Permit

obtained: Yes No Permit number: _____

ANIMAL SERVICES:

Received by: _____ Date: _____ Application Fee: _____ Inspection Fee: _____

Inspected by: _____ Inspection Date: _____ Total Number of Animals: _____ Dogs:

_____ Cats: _____ Current RV/CT: Yes No

Initial Approval: Yes No License Type: Personal Business Kennel License #

_____ Re-inspection Fee: _____ Re-Inspection Date: _____ Inspected by: _____

Approval Yes No