



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

	P&ZC Date: 3/25/2024	BCC Date: 4/16/2024
Case Number:	240301SU	
CDP-AR:	30981	
Type of Case:	Special Use Permit: to allow three horses to reside with the owner on a parcel zoned R-1	
Owner	Jimmy and Kathleen Bryan	
Applicant	Jimmy and Kathleen Bryan	
Street Address	4729 SW Floral Court, Dunnellon 34431	
Parcel Number	1802-017-032	
Property Size	±2.97 acres	
Future Land Use	Rural Land (RL)	
Zoning Classification	Single Family Dwelling (R-1)	
Overlay Zone/Scenic Area	Secondary Springs Protection Zone	
Staff Recommendation	Approval with conditions	
P&ZC Recommendation	Scheduled for March 25, 2024	
Project Planner	Eryn Mertens	
Related Case(s)	N/A	

I. ITEM SUMMARY

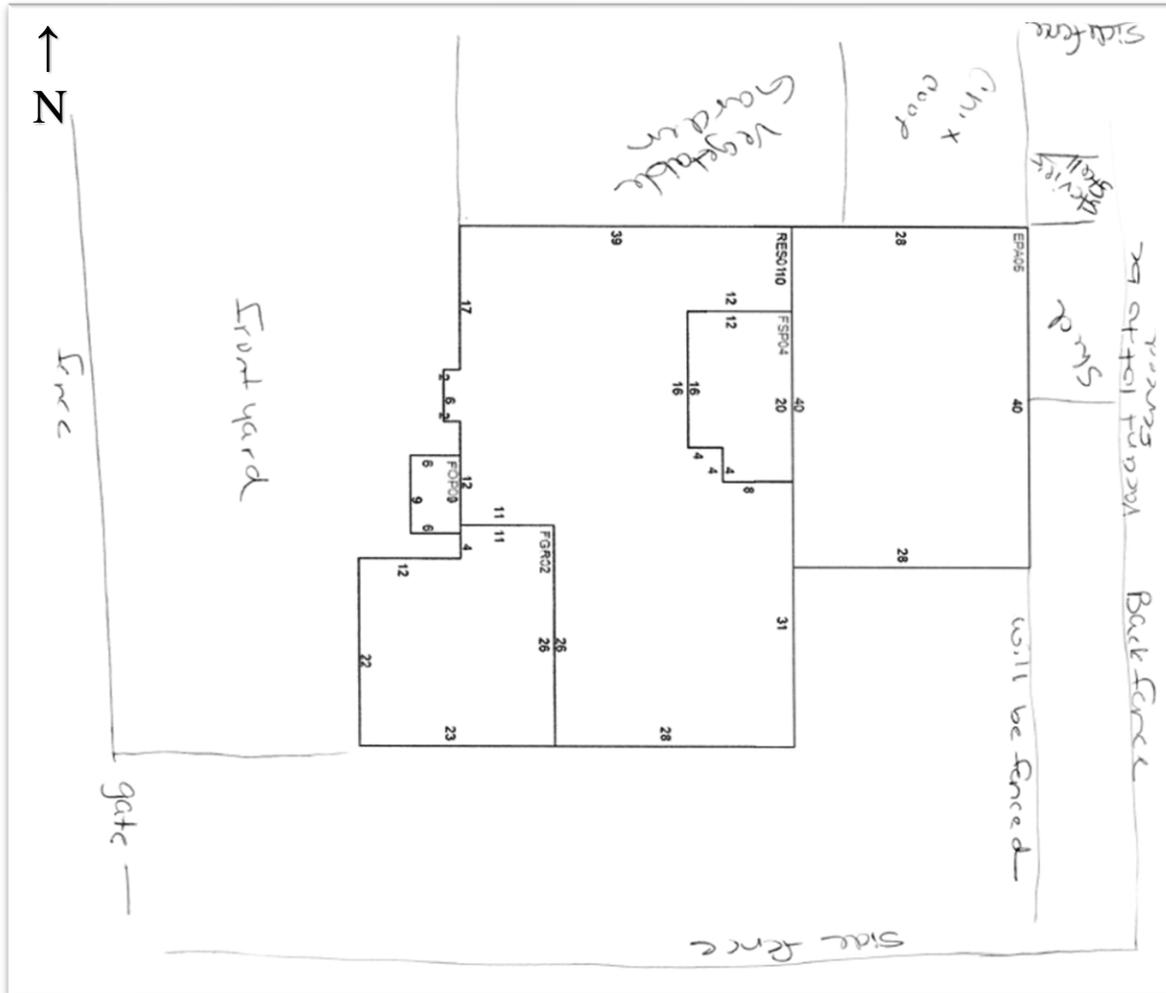
Applicants, Kathleen and Jimmy Bryan, have filed an application to allow for three animals: their horse, Stevie Nickers, and two (2) companion animals, both miniature horses, to be kept on their property. Parcel Identification Number is 1802-017-032, and the street address for the subject property is 4729 SW Floral Court, Dunnellon, FL 34431. Figure 1 is an aerial photograph showing the general location of the subject property.

The legal description is displayed in the deed included in the application (See Attachment A). The subject property is a ± 2.97 -acre parcel outside of the Urban Growth Boundary (UGB) and in the Secondary Springs Protection Overlay Zone (SPOZ).

Figure 1
Aerial Photograph of Subject Property



Figure 2
Conceptual Plan Submitted by Applicant



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **approval with conditions** as specified in Section VI.B. of this Staff Report. The recommended conditions should be imposed to address compliance with the requirements in LDC Sections 2.8.2.D and 2.8.3.B.

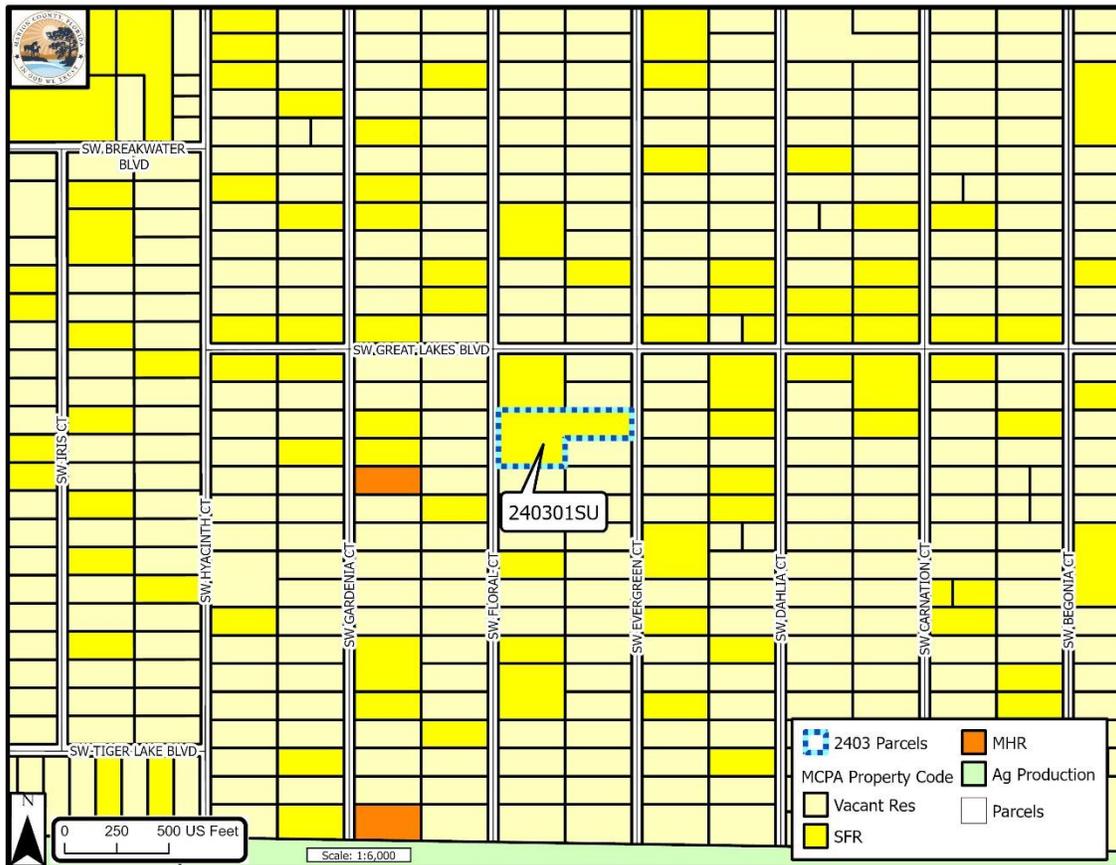
III. NOTICE OF PUBLIC HEARING

Consistent with Land Development Code (LDC) Section 2.7.3.C., a notice of public hearing was mailed to all property owners (19 property owners) within 300 feet of the subject property on March 8, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on March 5, 2024, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on March 11, 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 consists of a 1,881-square-foot concrete clock stucco single-family residence, built in 2001, and a site visit on March 5, 2024, revealed that the front yard is completely fenced in, and there is a fenced in area and shed behind the home, as well as a small tented area which houses the horse feed and miscellaneous care supplies. Figure 3 shows that the property is currently listed as residential by the Marion County Property Appraiser's Office. The subject property and the majority of the surrounding area is residential use.

Figure 3
Existing Conditions Map



B. *Zoning district map.* Figure 4 shows the subject property is zoned R-1. The surrounding neighborhood is salt-and-peppered with developed homes on the properties. The area is largely vacant residential properties.

Figure 4
Zoning Classification



- C. *FLUMS designation.* Figure 5 is the FLUMS and it shows the subject property and abutting properties are all designated Rural Land (RL), which, according to the Marion County Comprehensive Plan, Policy 2.1.16, is intended to be used primarily for agricultural uses, associated housing related to farms and agricultural-related commercial and industrial uses. This designation allows a maximum density of 1 dwelling unit per 10 acres.

Figure 5
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 Growth Services staff to review this application and make a recommendation on the consistency with the Comprehensive Plan. Staff's analysis of compliance with these ten (10) requirements are addressed below.

- A. *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: The subject property is in a rural residential neighborhood, Rainbow Lakes Estates Section B. The Office of the County Engineer finds that the roads in this subdivision are Subdivision Local Roads, paved and once maintained by an MSTU, are now maintained by the Office of the County Engineer. While traveling through this subdivision on the way to and from the site visit, staff observed that among some of the few developed properties in this neighborhood, several neighbors own and traverse the subdivision roads with their utility trailers and boats on trailers, etc. There are no sidewalks in the subdivision near the subject property.

Staff noted that the subject property currently utilizes the established access on SW Floral Court for ingress and egress, and there are no concerns for access in the case of fire or catastrophe which are noted on the Development Review Committee (DRC) Comments Letter. Therefore, this application **complies** with this requirement.

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

Analysis: The subject property is one of the largest parcels on its block of the residential subdivision with ample space for parking at the home, with ample provision for loading and unloading areas. The site is subject to compliance with the Marion County Land Development Code for noise, glare, and odor. To preserve the interests of the adjoining properties and properties generally in the surrounding area, staff recommends that the SUP be approved with the following conditions:

- The site shall be developed and operated consistent with the submitted conceptual plan and the conditions as provided with this approval.
- This Special Use Permit shall run with the property owner (Jimmy and Kathleen Bryan) and the property.
- The Special Use Permit is limited to three animals: one (1) de-herded Mustang horse named Stevie Nickers, and two (2) companion miniature horses: one white named Gypsy Rose, and one brown named Mac and Cheese.

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

Analysis: The proposed SUP will necessitate provisions for refuse and service and staff recommends the following conditions to provide for the refuse and service needs generated by this SUP, and to address this requirement:

- Manure shall not be allowed to accumulate causing a nuisance or hazard to the health welfare, or safety of humans or animals.
- The outside storage of manure in piles (two cubic yards or greater) shall not be permitted within 100 feet of any lot line and/or any residence.

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

Analysis: The proposed SUP would not increase the existing need for provisions for utilities existing on this property.

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

Analysis: The proposed SUP would allow the applicant to house three horses on the property. Currently there is no other screening or buffering in place. There are several other similar special use permits granted within the last few years, which are located within this subdivision, and those were not required to provide additional screening and buffering; therefore, staff does not recommend the imposition of installing new additional buffers at this time. However, staff does recommend the following condition:

- Agricultural buildings are allowed, such as pole barns and lean-tos.

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: The proposed SUP would not increase the existing intensity of the existing site; therefore, it **complies** with this requirement.

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

Analysis: The parcel is a ±2.97-acre residential property supporting the applicant's desire to home her horse on site with her primary residence. Applicant is proposing to allow her de-herded Mustang horse, Stevie Nickers, and two companion miniature horses, Gypsy Rose and Mac and Cheese to reside on premises with her at her home. The subject property has ample space to meet ordinance requirements for the care and provisions for these animals. Further, the proposed SUP will not increase the need for this provision; therefore, it **complies** with this requirement.

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

Analysis: Compatibility is defined Chapter 163.3164(9) of the Florida Statutes, under the Community Planning Act, 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 SUP requests the allowance for three horses to reside on this residentially-zoned rural property. Staff finds that several other property owners have sought and been granted similar Special Use Permits in this rural residential subdivision (21-R-677 in 2021, and 24-R-63 in 2024, for example), and in finding that this use does not propose to unduly negatively impact directly or indirectly any of the uses of her neighbors, staff recommends the approval of applicant's request, subject to the conditions proposed, and which are summarized below.

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 recommends that if the Board approves the SUP, a condition that will void the SUP if the property changes hand.

Based on the County's past approval of similar special use requests in this subdivision, staff recommends additional conditions be imposed to ensure that the SUP stays in **compliance** and has a system of periodic reviews:

- In the event the grass provided to the horses is depleted or not in abundance, the applicant will ensure that there is free-choice quality hay offered to the horses at all times unless otherwise directed by a veterinarian.
- The Special Use Permit shall terminate upon any division, subdivision, or transfer of the subject property.
- The Special Use Permit shall expire on April 15, 2029; however, it may be administratively renewed three times for up to 5 years each by written instrument signed and issued by the Growth Services Director (or a position equivalent to the Growth Services Director at that time), unless:
 - There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
 - 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
 - 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).

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.C. requires a Special Use Permit to allow horses for personal use in R-1 zoning as outlined in LDC Section 4.2.6.F. Thus, the application is **consistent** with FLUE Policy 2.1.5.

Based on the above findings, Staff concludes the SUP is **consistent** with LDC Sections 2.8.2.D and 2.8.3.B, because it complies with the nine (9) specific requirements of Section 2.8.2.D and it is **consistent** with the Comprehensive Plan as is required under 2.8.3.B.

VI. ALTERNATIVE RECOMMENDATIONS

- A. 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.
- B. 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 **Approve** the special use permit with the following proposed conditions:
1. The site shall be developed and operated consistent with the submitted conceptual plan and the conditions as provided with this approval.
 2. This Special Use Permit shall run with the property owner (Jimmy and Kathleen Bryan) and the property.
 3. The Special Use Permit is limited to three animals: one (1) de-herded Mustang horse named Stevie Nickers, and two (2) companion miniature horses: one white named Gypsy Rose, and one brown named Mac and Cheese.
 4. Manure shall not be allowed to accumulate causing a nuisance or hazard to the health welfare, or safety of humans or animals.
 5. The outside storage of manure in piles (two cubic yards or greater) shall not be permitted within 100 feet of any lot line and/or any residence.
 6. Agricultural buildings are allowed, such pole barns and lean-tos.
 7. In the event the grass provided to the horses is depleted or not in abundance, the applicant will ensure that there is free-choice quality hay offered to the horses at all times unless otherwise directed by a veterinarian.
 8. The Special Use Permit shall terminate upon any division, subdivision, or transfer of the subject property.
 9. The Special Use Permit shall expire on April 15, 2029; however, it may be administratively renewed three times for up to 5 years each by written instrument signed and issued by the Growth Services Director (or a position equivalent to the Growth Services Director 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).

VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

To be determined. Scheduled for March 25, 2024, at 5:30 PM.

IX. BOARD OF COUNTY COMMISSIONERS' ACTION

To be determined. Scheduled for April 16, 2024, at 2:00 PM.

X. LIST OF ATTACHMENTS

- A. SUP application, received December 22, 2023.
- B. Supplemented application, received December 27, 2023.
- C. Revised application, received March 1, 2024.
- D. DRC Comments Letter.
- E. Site Photos.
- F. Animal Services Report A24_146745.