



**Marion County
Board of County Commissioners**

Growth Services

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Ocala, FL 34470
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**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: N/A	BCC Date: 10/21/2025
Case Number	251009RA
CDP-AR	33125
Type of Case	Reasonable Accommodation: For one (1) Muscovy Duck in R-4 Zoning
Owner	Francisco and Rosita Marrero
Applicant	Same as Owner
Street Address	5860 SE 164 th Ave
Parcel Number	39430-24-015
Property Size	±0.28
Future Land Use	Rural Land (RL)
Zoning Classification	Mixed Residential (R-4)
Overlay Zone/Scenic Area	Secondary Springs Protection Zone
Staff Recommendation	Approval with Conditions
P&ZC Recommendation	N/A
Project Planner	Sarah Wells, Planner
Code Case	996609- DUCKS IN A RESIDENTIAL ZONE

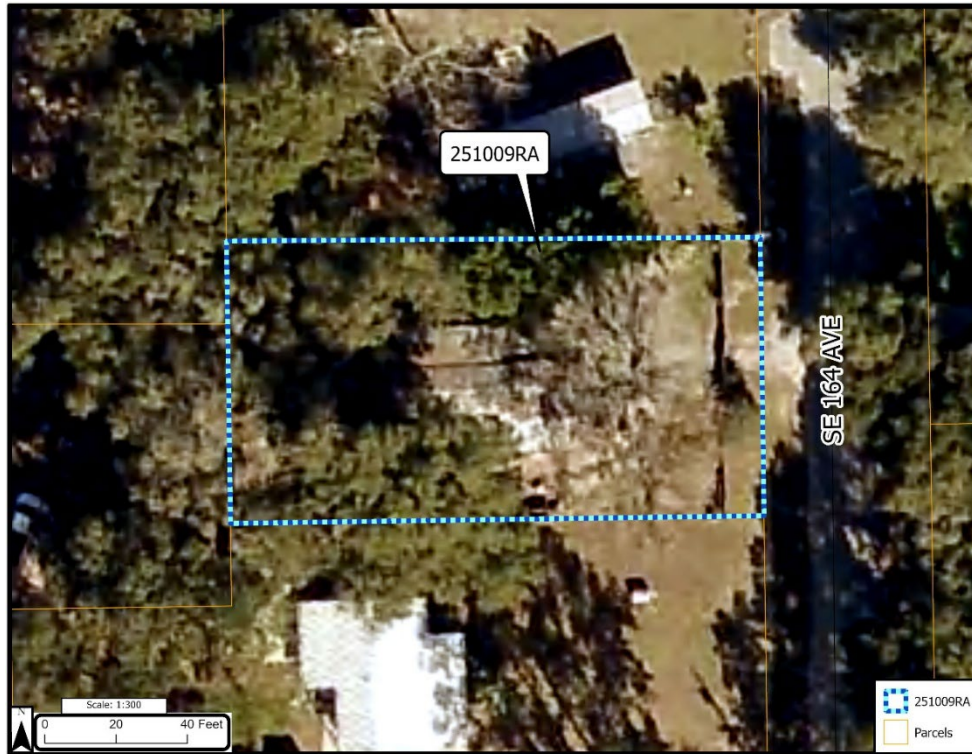
I. ITEM SUMMARY

Francisco and Rosita Marrero, the applicants and property owners, have submitted a Reasonable Accommodation (RA) Special Use Permit (SUP) application to allow one Muscovy Duck on their 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 5860 SE 164th Ave., is located within the unrecorded Woods and Lakes Subdivision, is within the Secondary Springs Protection Zone, is not within the Environmentally Sensitive Overlay Zone, and is identified by Parcel Number 39430-24-015.

The applicant has stated that the duck serves a therapeutic role as an emotional support animal. Muscovy ducks are a large duck breed native to Central and South America, identifiable by their large size and distinctive red protrusions on their heads and faces. These animals are typically bred as meat birds. Unlike most duck breeds, Muscovy ducks are relatively quiet and do not quack, unless threatened. The applicants have clipped the duck's wings, making the bird unable to fly out of its pen. The duck is housed within a fifteen (15) foot by fifteen (15) foot pen, where it has access to a coop that is setback from the property line by ten (10) feet. The duck shares its pen with four chickens. The applicant states they have other pets as well, which include two (2) dogs, two (2) cats, and four (4) chickens. During the site visit, no noticeable odors, waste, or noise were observed; animal waste is properly collected and stored securely on the property.

At the time of application and original publishing of this report, the property did not have an active Code Enforcement Case, just an open action item for Code Enforcement to follow up on. However, as of October 6, 2025, there is an active Code Enforcement Case for a duck on the property. The applicant hopes to cure this issue by way of a Reasonable Accommodation and has a letter from a doctor.

Figure 1
Aerial Photograph of Subject Property



II. STAFF SUMMARY RECOMMENDATION

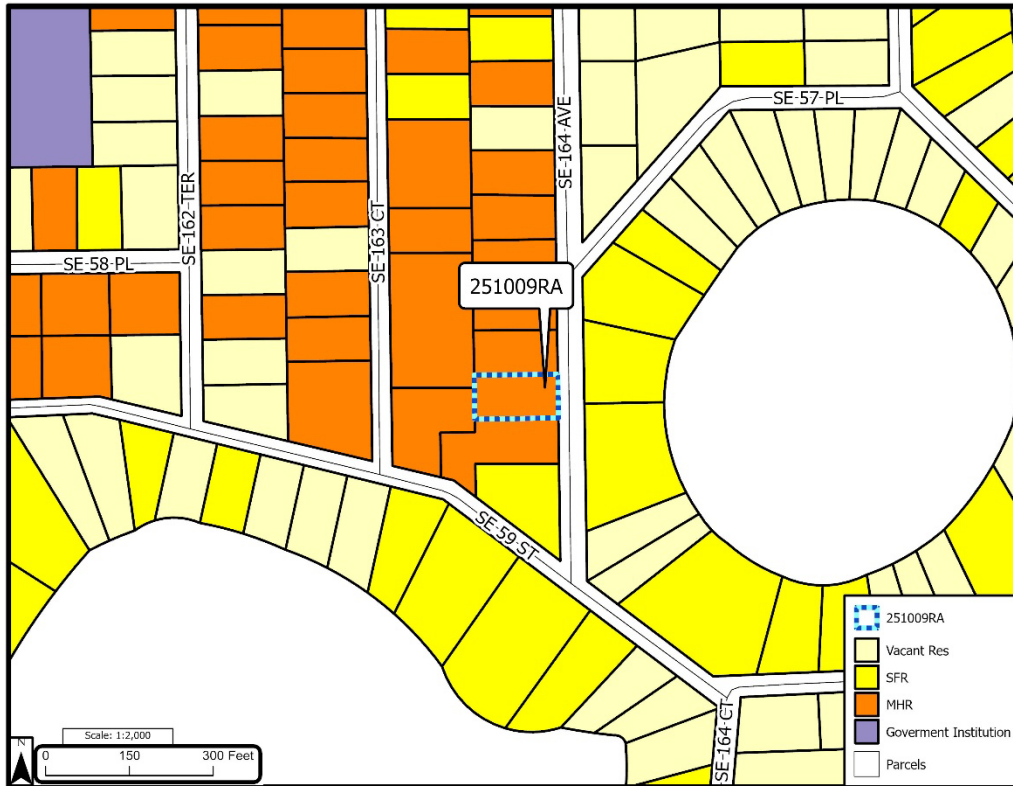
Staff recommends **APPROVAL with conditions** specified in Section VII.B. of this Staff Report. The recommended conditions are being imposed to address compliance with the requirements in Land Development Code (LDC) Sections 2.8.2.D and 2.8.3.B.

III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C, notice of public hearing was mailed to all property owners (23 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 11, 2025, 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 September 15, 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.

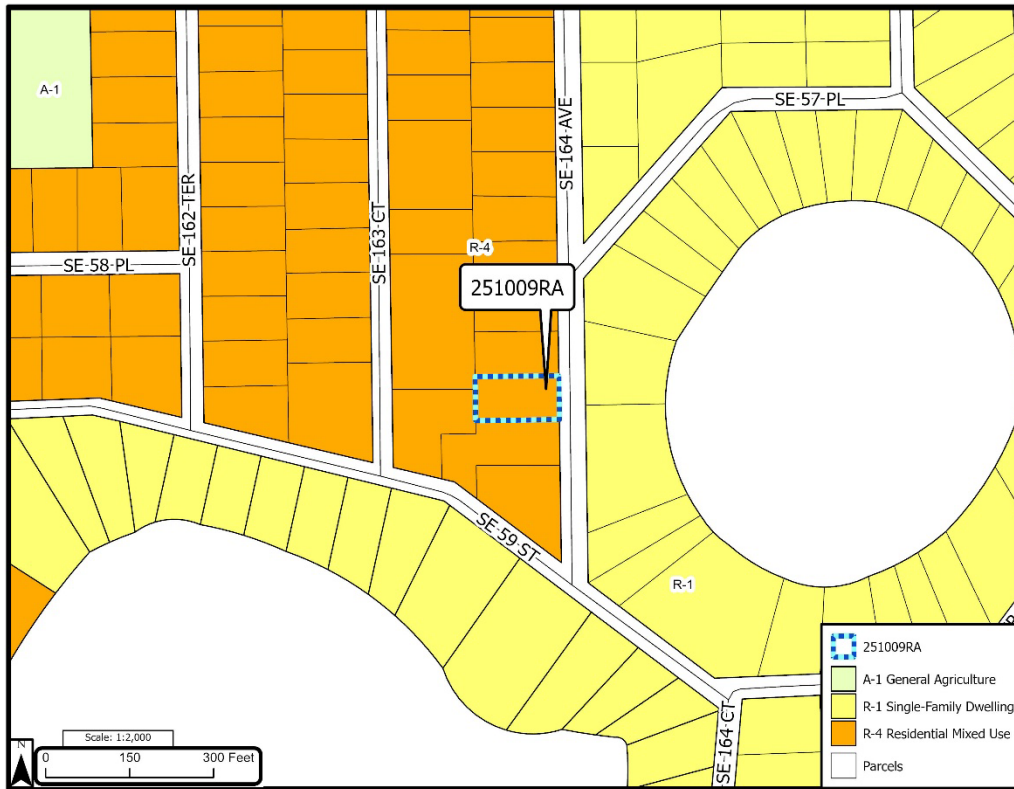
IV. BACKGROUND/CHARACTER OF THE AREA

Figure 2
Existing Conditions Map



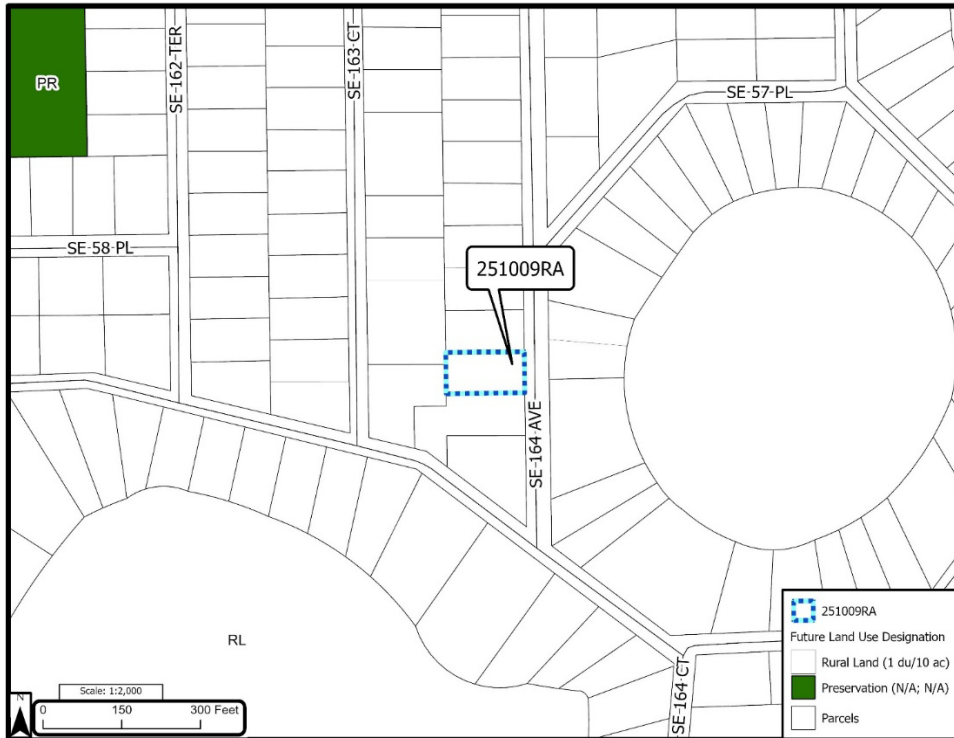
A. *Existing site conditions.* Figure 2 The property card shows that the site is MHR (Mobile Home Residential) by the Marion County Property Appraiser's Office. The site is surrounded by single-family residential to the east, and to the north, south, and west the parcel abuts MHR (Mobile Home Residential) Parcels.

Figure 3
Zoning Classification



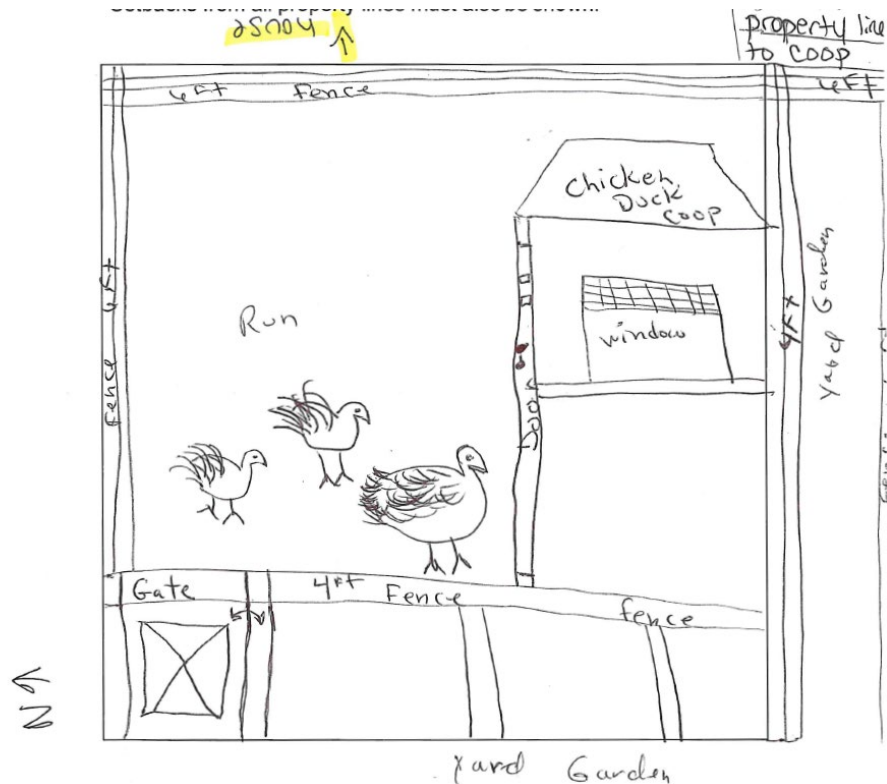
- B. *Zoning district map.* Figure 3 shows the subject property is classified as Residential Mixed Use (R-4). This is the property's initial zoning classification. Surrounding properties to the north, south, and west have this classification, while parcels to the east are zoned Single-Family Dwelling (R-1).

Figure 4
FLUMS Designations



- 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, and all surrounding parcels share the Rural Land designation.

Figure 5
Site Plan Provided by Applicant



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 one access point off SE 164th Ave.

- 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 south side of the house and the coop is meeting setbacks (setback ten feet from property boundary) 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 Duck.*
- *Waste produced by the animals shall be collected twice weekly to minimize any potential impacts on neighbors.*

- 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 animal.

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

Analysis: The applicant's yard is currently fenced in with an opaque six (6) foot wooden fence. Staff imposes the following condition:

- *The property owner will maintain the structure of the fenced pen to ensure it is always secure and in good condition.*

- 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 coop for the duck is found to be consistent with required yard setbacks of 8 ft.

- 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 homes.

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 is attached to the applicant, not the property, and does not transfer with ownership.*

- *The Applicant acknowledges that only one (1) duck, as prescribed by her doctor, is permitted on the property.*
- *The applicant must notify the Growth Services Director if the duck passes away.*
- *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 a duck as a pet 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 duck.*
 2. *Waste produced by the animals must be collected twice weekly and disposed of at an approved waste management facility to minimize impacts on neighboring properties.*
 3. *The property owner will maintain the structure of the fenced pen to ensure it is always secure and in good condition.*
 4. *The applicant acknowledges that only one (1) duck, as prescribed by her doctor, is permitted on the property.*
 5. *The applicant must notify Growth Services Planning and Zoning if the duck passes away.*
 6. *Under this Reasonable Accommodation, Marion County Code Enforcement may access the property for inspections as necessary, with prior notification provided to the applicant.*
 7. *The Reasonable Accommodation is attached to the applicant, not the property, and does not transfer with ownership.*

VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

Not applicable for reasonable accommodations.

IX. BOARD OF COUNTY COMMISSIONERS' ACTION

To be determined. Scheduled for October 21, 2025, at 2:00 PM.

X. LIST OF ATTACHMENTS

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