



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 07/28/2025	BCC Date: 08/18/2025
Case Number:	250502SU
CDP-AR:	32463
Type of Case:	Special Use Permit to allow for an artisanal micro-distillery in a General Agriculture (A-1) zoning classification.
Owner	Jacquelyn Brady
Applicant	David Molyneaux
Street Address	16350 SW 20 th Ln. Ocala, FL, 34481
Parcel Number	2091-008-002, 2091-008-003
Property Size	±2.13 acres
Future Land Use	Rural Land (RL)
Zoning Classification	General Agriculture (A-1)
Overlay Zone/Scenic Area	Primary Springs Protection Overlay Zone (PSPOZ)
Staff Recommendation	Denial
P&ZC Recommendation	Denial (5-0)
Project Planner	Kathleen Brugnoli, Planner II
Related Case(s)	120506SU: Artisanal micro-distillery – approved; 151103SU: Distillery renewal – approved; 211205V: Reduce eastern and southern setbacks - approved; 211221SU: Distillery expansion with gift shop and tasting room – approved.

I. ITEM SUMMARY

David Molyneaux has filed an application for a special use permit to allow for an artisanal micro-distillery in a General Agriculture (A-1) zoning classification (see Attachment A). Figure 1 is an aerial photograph showing the location of the subject property. The Property Identification Numbers associated with the property are 2091-008-002 and 2091-008-003, Address: 16350 SW 20th Ln. Ocala, FL, 34481, and the legal description is displayed on the deed included as part of the application. The subject property is located within the Primary Springs Protection Overlay Zone (P-SPOZ).

On August 19, 2025, this item was heard by the Board of County Commissioners and was granted a six-month continuance to the February 17, 2026, BOCC hearing. That time was to allow the applicant to work through the Development Review process and obtain an approved site plan and all permits required through the Building Safety Department or to find an alternative location for the distillery. At this time, the applicant has not submitted for a site plan or permits for the existing site and has not met with staff to discuss alternative locations for the distillery.

Figure 1
Aerial Photograph of Subject Property



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **DENIAL** due to the request being inconsistent with the Marion County Comprehensive Plan, incompatible with the surrounding area, and adversely affecting the public interest as specified in Section VI.B. of this Staff Report. The recommended conditions are being imposed to address compliance with the requirements in LDC Sections 2.8.2.D and 2.8.3.B. However, staff has concerns about approving with conditions due to noncompliance with previously imposed conditions for the same use by the same applicants in 2012, 2015, and 2021.

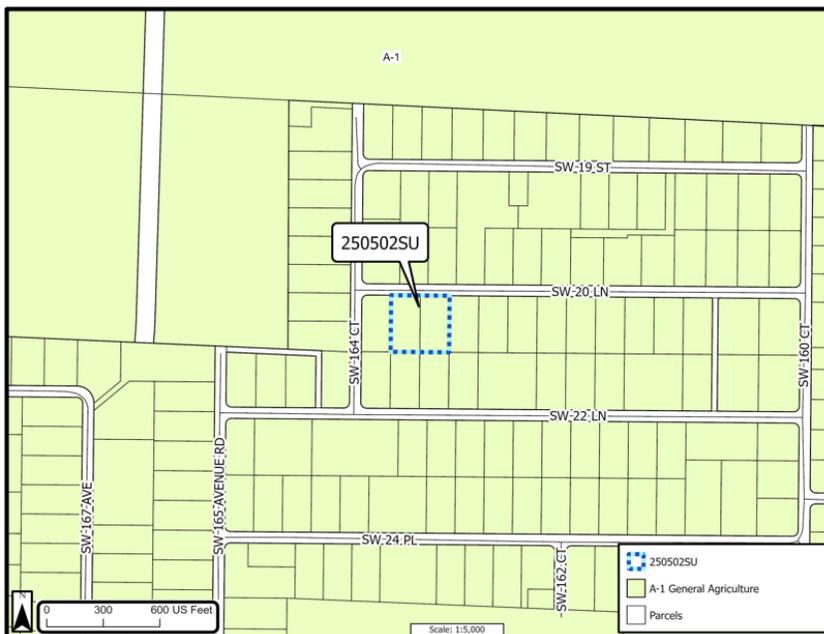
III. NOTICE OF PUBLIC HEARING

The Growth Services Director has interpreted the requirements of Land Development Code (LDC) Sections 2.7.3.C and 2.7.3.B to apply to SUP applications. LDC Section 2.7.3.C requires notice of public hearing be mailed to all property owners within 300 feet of the subject property and notice was mailed to (16) property owners on July 11 2025. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on July 14, 2025, and consistent with LDC Section 2.8.3.E. due public notice was published in the Ocala Star-Banner on July 14, 2025. Evidence of the above-described public notices are on file with the Growth Services Department and is incorporated herein by reference.

IV. BACKGROUND/CHARACTER OF THE AREA

- A. *Existing site conditions.* Figure 2 provides zoning classification information while Figure 3 shows the FLUMS designation for the area. Table 1 outlines the existing uses of the surrounding area, while Figure 4 illustrates those uses in relation to the subject property. As illustrated, the subject properties are developed as residential with some agricultural use. A site visit was conducted on July 14, 2025 (Attachment B). The property is heavily treed at the entrance of the parcel, but the distillery can be seen when looking down the driveway towards the rear of the property. Staff was unable to obtain permission to enter the property in time for the site visit so photos were limited to what could be seen from the road. However, the findings of facts (Attachment A Page 15) state there have been no improvements or changes since the last special use permit was approved in 2021. An extensive site visit was conducted for the 2021 case and supplemental photos were included with Attachment B from that visit.
- B. *Zoning district map.* Figure 2 shows the subject property designated as General Agriculture (A-1). Surrounding properties are also designated as General Agriculture (A-1).

Figure 2
Zoning Classification



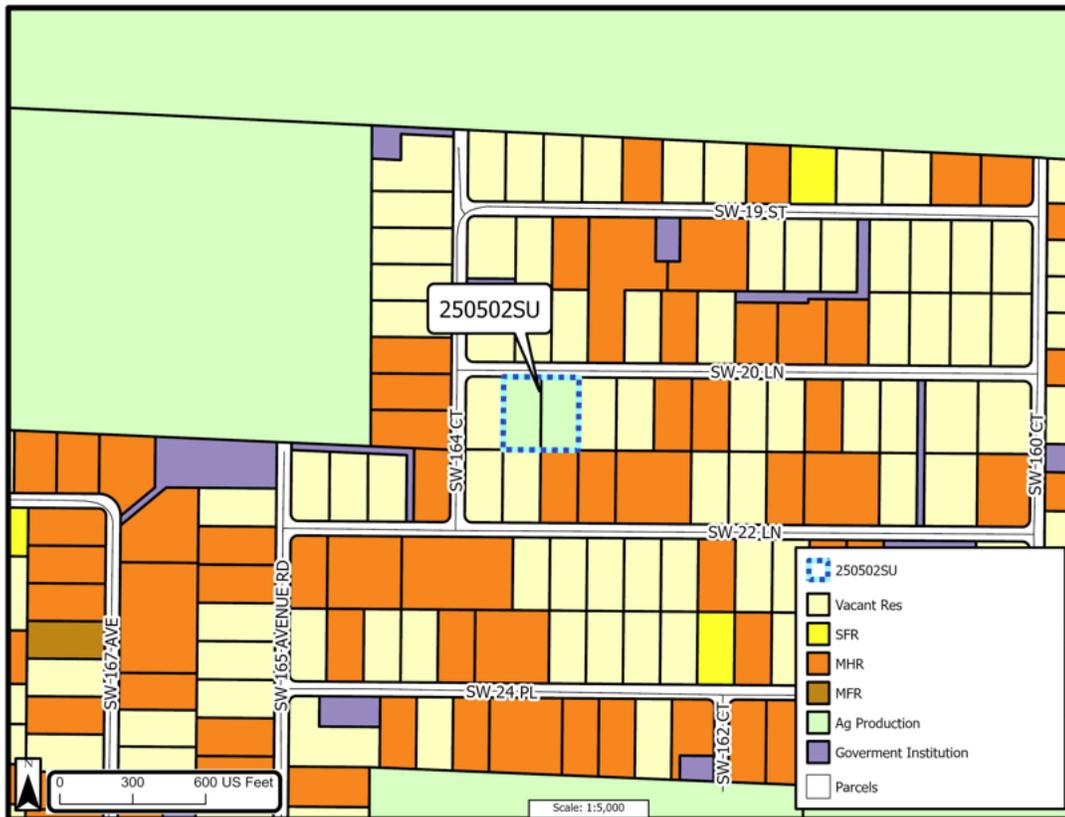
C. *FLUMS designation.* Figure 3 is the FLUMS and shows the subject property as Rural Land (RL) land use (1 du/ 10 ac) with the same land use surrounding.

Figure 3
Future Land Use Map Series

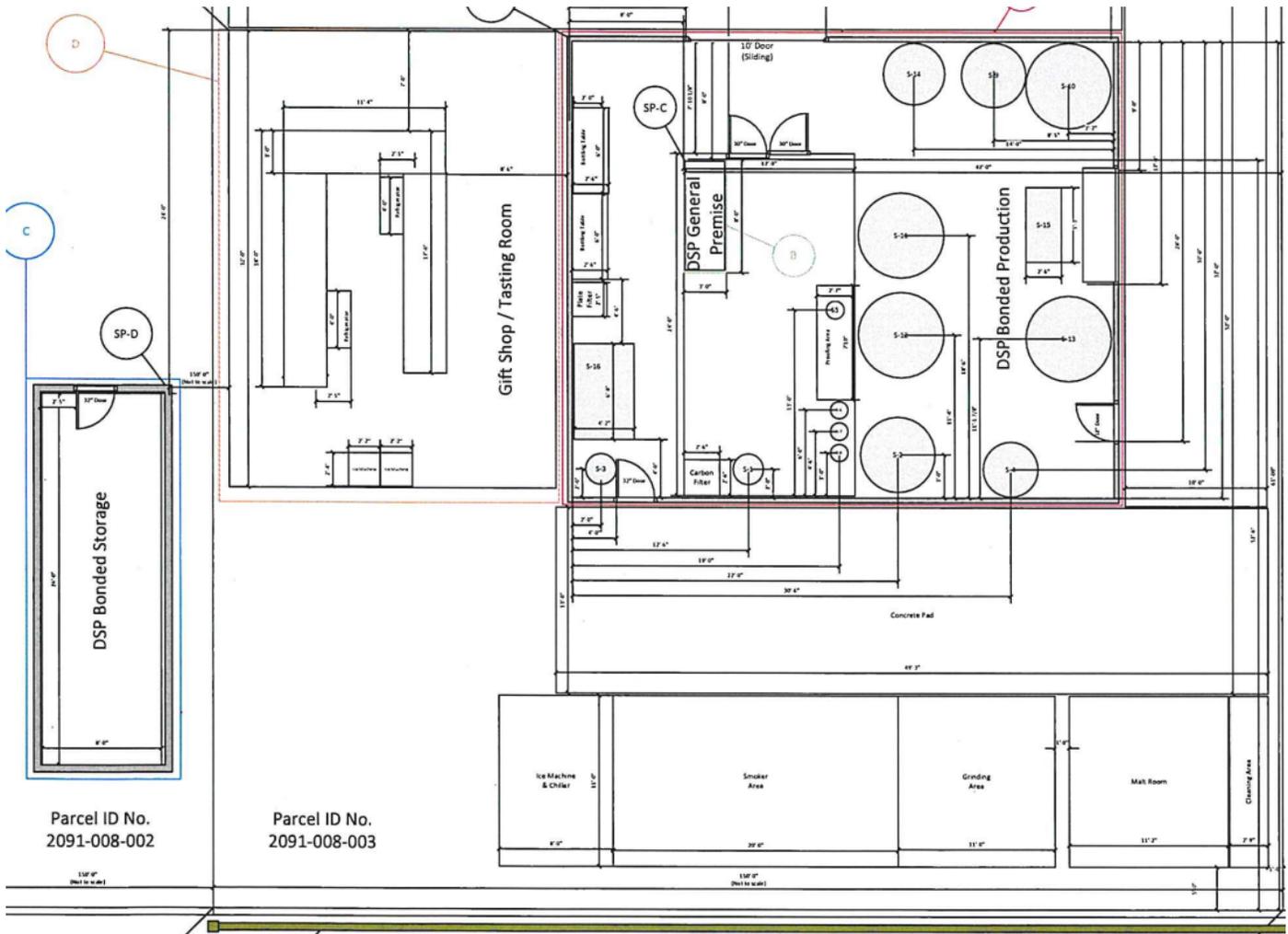


TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUMS	Zoning	Existing Use
Site	Rural Land (RL)	General Agriculture (A-1)	Ag Production
North	Rural Land (RL)	General Agriculture (A-1)	Vacant Residential
South	Rural Land (RL)	General Agriculture (A-1)	Vacant Residential Manufactured Home Residential
East	Rural Land (RL)	General Agriculture (A-1)	Vacant Residential
West	Rural Land (RL)	General Agriculture (A-1)	Vacant Residential

Figure 4
MCPA Property Uses



**Figure 5
Concept Plan**



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. *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 parcel has an existing unpaved driveway with access on to SW 20th Lane, an unpaved OCE maintained road. Traffic provided concerns with Traffic Staff concludes that the application is **consistent** with provisions for ingress and egress.

- Access to the site shall be from SW 20th Lane.

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: Parking on the property is taking place on an unpaved undefined area with no designated parking spot for individuals with a disabled parking permit. The site plan provided indicates a 50'x40' parking area north of the distillery production area (Attachment A Page 20). The distillery website (Attachment C Page 2) states they can accommodate tours up to 18 people which, using a bar as similar use for parking figures, would necessitate five (5) parking spaces in addition to a minimum of two (2) parking spaces for the existing residence per Marion County Land Development Code (LDC) requirements required a total of seven (7) spaces. The 2021 staff report (Attachment D Page 10) provided similar findings with the same concerns staff has today over clearly delineated parking spaces and if minimum parking space requirements are being met. The findings of facts state, "no odor, glare, or noise are being generated from the distillery operation (Attachment A Page 15)." Staff finds the application is **not consistent** with provisions for off-street parking and loading areas as well as noise.

- Convert one of the existing parking spaces to be for disabled permit parking and indicate this with a sign and lined parking space.
- Clearly indicate on site plan where parking spaces are and how many are provided.

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

Analysis: Waste removal for the property is not addressed in the Findings of Facts but is likely taking place with the residential trash removal of the existing residence on-site. Staff concludes the application **may or may not be consistent** with provisions for refuse.

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

Analysis: Findings of Facts from the applicant state underground power serves the property with electricity and that, "There is a well on the backside of the distillery which provides both the house and business. There is a septic tank onsite that is connected to the house (Attachment A Page 15)." Development Review Committee (DRC) comments (Attachment E Page 1) provided by Department of

Health state, “Requires regulated well by Department of Environmental Protection (DEP) or Department of Health (DOH). Please provide proof of regulation of the water system. If serving alcohol, the business will require a food permit through the Department of Health in Marion County. Will require a septic permit to determine if the existing system is sufficient for proposed use.” The special use being requested has been taking place on-site since 2012 with the structures utilized for the business still being unpermitted. Staff has concerns with the unpermitted status of the buildings being used as this likely means DOH and DEP do not know the distillery use, tours, tasting room, etc. are taking place here already and using well/septic that was permitted for one residential home. Staff finds the application is **not consistent** with the provisions for utilities.

- The applicant must acquire necessary permits for well/septic and the uses taking place on the property as required by DEP and DOH.

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

Analysis: A fence is provided along the southern property boundary line of parcel 2091-008-003 where the residence and distillery are located. The property to the west is owned by the applicant who leases the property where the distillery and residence are located. No buffers along the eastern or northern property boundary lines are indicated. With the condition provided below, staff finds the application **consistent** with the provision for screening and buffering.

- A minimum 6’ opaque fence is required along the eastern boundary line screening all distillery operations and parking from the eastern neighboring property.

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: Exterior lighting and signs were not addressed in the findings of facts for the SUP. Lighting would need to follow Marion County LDC requirements if proposed in the future. Meeting the provided conditions, the application is **consistent** with the signs and exterior lighting requirements of this section.

- Any exterior lighting added will need to be placed in a way that does not illuminate off-site onto neighboring properties.
- No commercial signage shall be allowed on-site.

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

Analysis: The parcels in aggregate are 2.13 acres in size with the western parcel being for crop cultivation and one storage structure related to the distillery operation. All other listed activities are taking place on the eastern property. During the site plan review with DRC, required yards and green spaces will be analyzed and any stormwater improvements required will also be provided at this time. Staff notes that the aerial of the property shows a series of raised beds that appear to be encroaching on the property contiguous to the east of the distillery and residence. These same raised beds were referenced in the 2021 report (Attachment D Page 10) where staff was told the applicant was pursuing purchase of the property. As of July 2025, the property to the east has not been purchased by the applicant and the raised beds have not be relocated to an area where they are not encroaching on the neighboring property. With the proposed conditions, the application is **consistent** with yards and other green spaces.

- Site plan review through Development Review Committee will take place within 45 days of the approval of this special use permit.
- Raised beds encroaching on the neighboring property to the east will be moved and placed entirely on the subject property.

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

Analysis: Compatibility is defined in 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.”

Figure 1 is an aerial photograph displaying existing and surrounding properties. Figure 4 displays the same properties based on their use code per Marion County Property Appraiser. The uses surrounding this property according to MCPA are vacant residential and improved residential with mobile homes. Though the zoning is A-1, two subject properties are the only ones in the neighborhood labeled as Ag Production. The use requested must be granted by special use because its not a use permitted in A-1 and the subsequent expansion increased the intensity of the use even with staff recommending denial in 2021 citing the same concerns provided with this analysis. Based on repeated situations of non-compliance with the required conditions set in place by the granting of the special use permit, staff finds the application is **not consistent** with the provision for compatibility.

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 the following policy for future development of the property.

- The site shall be developed and operated consistent with the Special Use Permit Application, the submitted conceptual plan, and the conditions as provided with this approval.
- The special use permit shall expire on 08/18/2030
- The special use permit shall automatically be revoked if:
 - A site plan review with Development Review Committee has not been completed within 45 days from the date of approval of this special use permit.
 - Building permits for all unpermitted work are not completed within 90 days from the date of approval of this special use permit.
- The artisanal micro-distillery structures and operations shall be conducted consistent with the following:
 - On PID# 2091-008-002:
 - Distillery storage building (DSP Bonded Storage) – 8' x 26' = 208 SF
 - On PID# 2091-008-003:
 - Main distillery building (SDP General Premise and DSP Bonded Production) – 38' x 32' = 1,1216 SF
 - Gift shop/tasting room – 24' x 32' = 768 SF
 - South accessory/processing areas:
 - Ice Machine & Chiller – 8 x 11' = 88 SF
 - Smoker Area – 20' x 11' = 220 SF
 - Grinding Area – 11' x 11' = 121 SF
 - Malt Room (shed) – 11'2" x 11' = 123 SF
 - Cleaning Area – 2'9" x 11' = 30 SF
 - Gift shop/tasting room single-stall restroom – (currently ±4' x SF ±4' = ±16 SF),
 - SW Corner - Metal storage shed – ±10' x ±12' = 120 SF
- Tasting room events shall be conducted by appointment only, with a maximum of eighteen (18) participants per tasing event. Tasking events will be limited to one event per day, Thursday through Sunday, and all tasting events will conclude at or before 8 p.m.
- All gift shop operations and sales shall be conducted as part of the tasting room operation/experience; no independent commercial sales shall occur on-site.
- A corporate business officer and/or partner in Fish Hawk Spirits, LLC, shall reside on-site on Parcel Number 2091-008-003
- The special Use Permit shall run with the owners (Jacquelyn F. Brady and Fish Hawk Spirits, LLC) and leasing operator, Fish Hawk Spirits, LLC, and not the property. In the event Jacquelyn F. Brady sells the property to Fish Hawk Spirits, LLC the Special Use Permit will remain valid with Fish Hawk Spirits, LLC then identified as the owner/operator. Any other change in ownership and/or any change in the leading operator shall cause the Special Use Permit to expire; however a new Special Use Permit Application to modify the ownership and leasing operator requirements may be submitted for consideration 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 4.2.3(C) allows for Special Use Permits and while this use is not specifically listed, this special use was taking place prior to the legal findings that state A-1 properties may only request special uses specifically listed in the LDC. Thus, the application is **consistent** with FLUE Policy 2.1.5.

Based on the above findings, staff concludes the SUP is inconsistent with LDC Sections 2.8.2.D and 2.8.3.B as well as the Comprehensive Plan.

VI. ALTERNATIVE RECOMMENDATIONS

- A. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, and make a recommendation to the Commission to adopt a proposed Ordinance to **APPROVE** the special use permit.
- 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 Commission 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 Commission 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 adopt a proposed Ordinance **DENY** the special use permit based on compatibility in the area, compliance with the Comprehensive Plan, and a lack of adverse impacts to the surrounding area.
- B. In the event that the Board chooses to disagree with staff and approve the proposed Special Use Permit, to address compliance with LDC Sections 2.8.2.D and 2.8.3.B, staff recommends the following conditions be imposed. However, staff has concerns with approval with conditions given the history of non-compliance with previously provided approvals with conditions:

- Access to the site shall be from SW 20th Lane.
- Convert one of the existing parking spaces to be for disabled permit parking and indicate this with a sign and lined parking space.
- Clearly indicate on site plan where parking spaces are and how many are provided.
- The applicant must acquire necessary permits for well/septic and the uses taking place on the property as required by DEP and DOH.
- A minimum 6' opaque fence is required along the eastern boundary line screening all distillery operations and parking from the eastern neighboring property.
- Any exterior lighting added will need to be placed in a way that does not illuminate off-site onto neighboring properties.
- No commercial signage shall be allowed on-site.
- Site plan review through Development Review Committee will take place within 45 days of the approval of this special use permit.
- Raised beds encroaching on the neighboring property to the east will be moved and placed entirely on the subject property.
- The site shall be developed and operated consistent with the Special Use Permit Application, the submitted conceptual plan, and the conditions as provided with this approval.
- The special use permit shall expire on 08/18/2030
- The special use permit shall automatically be revoked if:
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VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

Denial (5-0).

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. SUP Application.
- B. Site Photos.
- C. Fish Hawk Website
- D. Historical Information
- E. DRC Comments.
- F. Surrounding Property Owner Map.