



**Marion County  
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>P&amp;ZC Date: 3/25/24</b>	<b>BCC Date: 4/16/2024</b>
<b>Case Number:</b>	240402SU
<b>CDP-AR:</b>	30800
<b>Type of Case:</b>	<b>Special Use Permit:</b> For a kennel and goats in R-1 Zoning
<b>Owner</b>	Nicole and Brett Woller
<b>Applicant</b>	Same as Owner
<b>Street Address</b>	2735 SE 140 Place, Summerfield FL, 34491
<b>Parcel Number</b>	4218-253-005
<b>Property Size</b>	±.79 acres
<b>Future Land Use</b>	Medium Residential (MR)
<b>Zoning Classification</b>	Single Family Dwelling (R-1)
<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>Approved with Conditions</b>
<b>Project Planner</b>	Marcus Lloyd
<b>Related Case(s)</b>	N/A

## I. ITEM SUMMARY

Nicole and Brett Woller, owners, have filed an application for a Special Use Permit (SUP) to operate a kennel breeding dogs (Breed of Lagotto Romagnolo) . Currently, there are twelve of these dogs on site, of which there are five will remain on the property and the rest will be rehomed as listed on the SUP application (see Attachment A). The Parcel ID Number associated with the property is 4218-253-005, the street address is 2735 SE 140 Place, Summerfield FL, 34491, and the legal description is included as Attachment A, page 17.

The applicants have been breeding Lagotto Romagnolos for about ten years, and have been living at this property since 2017. At this time there are also six personal dogs, 3 Russian Tsvetnaya Bolonkas (One male, two females with one of them spayed), two Great Pyrenees (one male and one spayed female), and one 18-year-old Maltichon. The applicants have bred and shown the Bolonkas before, but have not done so in the last three years. Additionally, the property owners have ten goats on the property, with the plan to move down to five total on the property in the future. There are also five chickens (hens) and two roosters on the property, the applicants have requested the ability to keep the roosters if possible but are willing to rehome them if needed. At the time of the site visit on 3/1/2024, the applicant stated that three of the hens had been lost to other wildlife in the area.

The total number of canines on site is currently recorded at 18 (6 personal, 5 Lagotto Romagnolos for breeding, and the rest are adolents to be rehomed); the applicants are requesting a capacity of up to 20 adult dogs. With the note, due to health reasons, the applicant will be postponing kennel operations for two years, with no litters planned as noted in the SUP application. This is to account for a total number of animals that are breeding, retired or personal pets. The breeding operation currently consists of four dogs, two females and four males. The applicants maintain full veterinary records for all animals, maintain a website at housewoller.com with information about the operation and the animals and have no viable code related violations of any type leveled against them. The applicants typically have two to three litters of pups per year, with an average of six to eight pups per litter.

The operation was observed by staff from Growth Services and Animal Services and found to be within suitable standards as the dogs are housed inside of the residence with the applicants, of which, both areas can be isolated as needed. Only one dog is kept outside, Grenade, the male Great Pyrenees, as he is a livestock guardian dog. Food and water was found to be easily accessible to all animals and the kennels and open run areas were free from any waste and in a well-maintained state (Condition #4). All animals appear to be in good physical condition and were very alert. Animal Services Report included as Attachment C of this report; Marion County Animal Licenses and Rabies License are on file with Growth Services. Current licensure shall be maintained for all canines, and the kennel shall always be maintained (Condition #10).

**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).

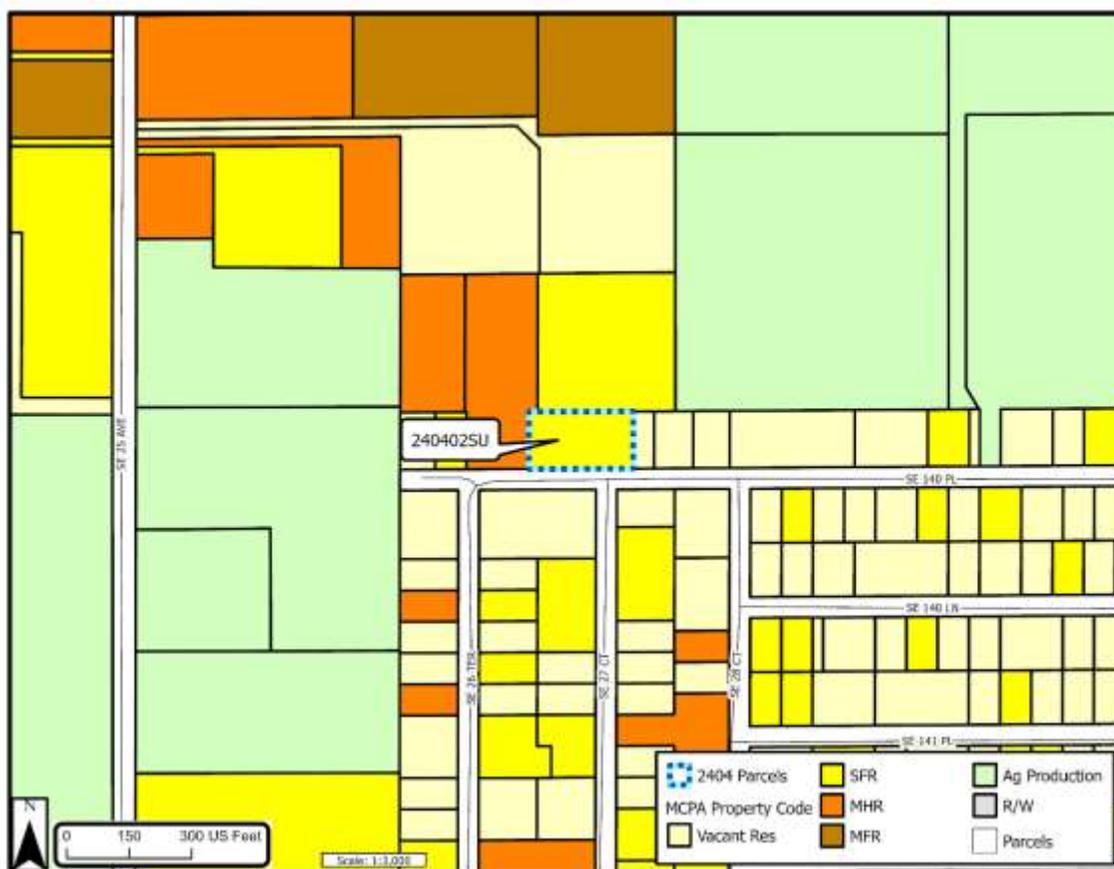
## III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C, notice of public hearing was mailed to all property owners (16 property owners) within 300 feet of the subject property on March 8<sup>th</sup>, 2024. Consistent with LDC Section 2.7.3.B, public notice was posted on the subject property on March 1<sup>st</sup> 2024, where site photos were also collected (Attachment B) and consistent with LDC Section 2.7.3.E due public notice was published in the Ocala Star-Banner on March 11<sup>th</sup>, 2024. As of the date of the initial distribution of this staff report, two letters of opposition and no letters of 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 Single Family Residential. Figure 2 shows that the property is currently listed as commercial by the Marion County Property Appraiser's Office. The site has vacant residential parcels to the East, with nearby uses for other residential properties and agricultural production to the north.

**Figure 2**  
**Current Conditions Map**



- B. *Zoning district map.* Figure 3 shows the subject property is classified as Single Family Dwelling (R-1). This is the property's initial zoning classification.

**Figure 3**  
**Zoning Designation Map**



- C. *FLUMS designation.* Figure 4 is the FLUMS and it shows that the subject property is designated Medium Residential (MR), allowing a maximum development of 1 dwelling units per 1 acre. This is the property's initial land use designation.

**Figure 4**  
**FLUMS Designations**



## V. ANALYSIS

LDC Section 2.8.2.D requires 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 is 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.

Access is established from SE 140<sup>th</sup> Place, which is a small dirt road through the Belleview Heights Estates Subdivision. While sale of animals will occur from this site, the number of trips that are generated by this activity is very limited.

- 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.

All parking is contained on the subject parcel. The frequency of sales and delivery on site are very limited and there is adequate spacing on site to accommodate any vehicular parking related to the breeding kennel operations. Notwithstanding, staff recommends the following conditions:

- *This permit allows for sale of puppies bred and delivered onsite directly to clients, but does not allow the sale of puppies or dogs to pet stores, flea markets or other, non-direct entities.*
- *No commercial boarding of dogs/puppies shall occur on-site. This does not include the boarding for the purpose of breeding dogs or assisting with temporary care for dogs of family members or friends, as may be requested from time to time, without compensation.*

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

*No offensive odors were detectable while Animal Services and Growth Services staff were on the property. Sufficient measures are being utilized to mitigate any concerns that would be related to waste storage and removal. Notwithstanding, staff recommends the following condition:*

- *All animal waste shall be collected daily and removed from the site at least weekly.*

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

*Electrical services are provided by SECO Energy Inc. Water and sewer services are provided through a well and septic system. Sufficient facilities exist to accommodate all requirements of the canine breeding and care operation.*

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

The subject parcel is heavily wooded and already has adequate fencing surrounding the property. The enclosed areas for the dog run, chickens, and goats

allows for provides substantial buffering to all sides of the property. No additional buffering is required. (See attachments)

- 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.

There are no requests to construct external signage on the front of the property. Exterior lighting will be limited to standard residential uses. No additional recommendations are necessary.

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

Sufficient open space is provided for dog exercise and kennel areas within the subject parcel. However, under Section 4.2.6 (F) of the Land Development Code, for the keeping of goats, the minimum square footage of pasture area not including the dwelling shall be 9,000 square feet for the first goat and 6,000 square feet for each additional goat, the total number of goats shall not exceed four per acre, except adolescents, which may be kept until weaned. As mentioned previously, the goats were in good health with the amount of space they currently have to roam. With a decrease in the total amount of goats from 10 to 5, these animals would have sufficient space to roam and graze on the property. As noted in the site visit on 3/1/24 with Animal Services staff, the goats on property were in healthy conditions with access to food, water, and play space.

Under Section 4.2.6 (D)(3) roosters are prohibited in residential zoning classifications, and is thus inconsistent with this section of the Land Development Code. Notwithstanding, staff recommends the following condition:

- *The Special Use permit allows up to 20 adult dogs on the property, and this will include the dogs kept as part of the breeding program.*
- *This Special Use Permit will allow for a maximum of 5 goats on this property.*
- *No outdoor kennel operation will be allowed as part of this SUP.*
- *Canines as part of the breeding program shall not be kept outside in run areas before 7:30 AM or after 10:30 PM.*

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

The adjacent properties to the west and north are large agricultural parcels with sufficient distance away from the subject parcel. The smaller R-1 zoned parcel to the East is not wide enough to be developed under the current zoning classification

and is currently treed. The properties to the south across SE 140th Place are currently vacant and treed. The large size of the subject parcel is consistent and compatible with all the surrounding parcels.

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

The applicants have indicated that they are willing to comply with special conditions in order to obtain and maintain the requested SUP. Compliance with assigned special conditions will be consistent with the Comprehensive Plan.

- 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.

- a. **Analysis:** R-1: Single Family zoning classification does not specifically list a kennel use that is allowable for consideration of a SUP. The Marion County Comprehensive Plan does not warrant any single individual condition based on the requested Special Use. However, recommended conditions are included based on the unique conditions of this request if the Board grants the SUP. Notwithstanding, staff recommends the following conditions:

- *The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.*
- *This Special Use Permit shall run with the applicant (Nicole and Brett Woller) and not the property.*
- *The Special Use permit allows up to 20 adult dogs on the property, and this will include the dogs kept as part of the breeding program.*
- *The applicants shall maintain up-to-date licensure with Marion County for all canines on-site, at all times.*

Based on the above findings, staff concludes the SUP is consistent with LDC Sections 2.8.2.D and 2.8.3.B provided conditions to address the ten (11) 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, and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **APPROVE AS CONDITIONED** the special use permit.
- C. 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.
- D. 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 **Approval with Conditions** of the applicant's request with the reasons mentioned above in section V. However, the applicants request to keep roosters on the property is recommended by denial from staff, as reasoned in section (V. (G)) of the report above. The following conditions are recommended to address the ten (11) requirements in LDC Sections 2.8.2.D and 2.8.3.B.
- B. The following conditions are imposed:
  - 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 applicant (Nicole and Brett Woller) and not the property.
  - 3. The owners/operators shall reside on site.
  - 4. All animal waste shall be collected daily and removed from the site at least weekly.
  - 5. The Special Use permit allows up to 20 adult dogs on the property, and this will include the dogs kept as part of the breeding program.
  - 6. This Special Use Permit will allow for a maximum of 5 goats on this property.

7. No outdoor kennel operation will be allowed as part of this SUP.
8. *Canines as part of the breeding program shall not be kept outside in run areas before 7:30 AM or after 10:30 PM.*
9. This permit allows for sale of puppies bred and delivered onsite directly to clients, but does not allow the sale of puppies or dogs to pet stores, flea markets or other, non-direct entities.
10. No commercial boarding of dogs/puppies shall occur on-site. This does not include the boarding for the purpose of breeding dogs or assisting with temporary care for dogs of family members or friends, as may be requested from time to time, without compensation.
11. The applicants shall maintain up-to-date licensure with Marion County for all canines on-site, at all times.
12. The Special Use Permit shall expire on April 1st, 2029; however, it may be renewed administratively for up to 5 years by a written instrument signed and issued by the Growth Services Director (or 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 Service Manager determines that renewal should be considered directly by the Board of County Commissioners through the Special Use.

## **VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION**

Approval with Conditions

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

To be determined.

## **X. LIST OF ATTACHMENTS**

- A. SUP application and findings of facts, filed on January 31, 2023.
- B. Site Photos and animal photos.
- C. Animal Services Report
- D. DRC Comments.