



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 09/30/2024	BCC Date: 10/15/2024
Case Number:	241001SU
CDP-AR:	31799
Type of Case:	Special Use Permit: Operate a Feline Sanctuary Kennel – Up to 150 Animals Requested
Owner	Dori Lopriore (Sanctuary to The Maxx)
Applicant	Same
Street Address	13250 NW 160 th Ave, Morriston, FL
Parcel Number	0577-030-000
Property Size	±5.03 Acres
Future Land Use	Rural Land (Rural)
Zoning Classification	General Agriculture (A-1)
Overlay Zone/Scenic Area	Secondary Springs Protection Zone
Staff Recommendation	APPROVAL WITH CONDITIONS
P&ZC Recommendation	APPROVAL WITH STAFF CONDITIONS (4-3)
Project Planner	Kenneth Odom, Transportation/Senior Planner
Related Case(s)	Code Cases: 944451 & 924105

I. ITEM SUMMARY & HISTORY

Dorie Lopriore, applicant and property owner, has filed an application for a Special Use Permit (SUP) to continue to operate a rescue kennel which currently houses multiple breeds of canines and felines under the name *Sanctuary to The Maxx 501(c)(3)* in the Rainbow Lakes Estates (Dunnellon) area. The Parcel Identification Number associated with the subject parcel is 0577-030-000 which is located in Morriston, FL at 13250 NW 160th Avenue. This location is currently operating without a Special Use Permit or kennel license.

The applicant has been operating the Rainbow Lakes Estates location of *Sanctuary to The Maxx* rescue kennel for an undetermined period of time, but was initially notified of the need for a kennel license by Animal Services on 10/27/2022. The total number of animals on both sites, personal and wards of the sanctuary kennel is currently recorded at one-hundred and seventy-six (176). One-hundred forty-four (144) felines and thirty-two (32) canines. Seventeen (17) of these animals are personal pets of the owners. (See Attachment C)

The applicants had initially requested to be permitted to maintain these numbers for operations of the sanctuary if it is permitted to move to the Morriston location, which is under consideration for the SUP. However, after conversations with staff members from Growth Services, Animal Services, Code Enforcement and the Office of the County Attorney, the applicants have modified their request to be permitted to allow to keep up to one-hundred fifty (150) felines within the sanctuary and no canines. The applicant has nine (9) personal canines that are permitted "by-right" on the property.

The applicants have indicated that they are planning on scaling down the rescue operation and will not be taking in any new wards unless they are infirmed elder felines. They will continue to adopt out felines that they currently have in order to reduce the population under their care. Additionally, they will immediately be adopting out all canines within the rescue and will not be transporting any of them to the Morriston location.

The current sanctuary, at 21875 Sea Cliff Avenue, Dunnellon, FL was first visited by Code Enforcement on June 2nd, 2023 where the applicant was informed that she would need a SUP for kennel licensure. The applicant was cited for operating a kennel without a license at this time. The applicant came into the Growth Services offices on August 24th 2023 where she was given a SUP application packet and informed of all of the information that would be required to process her request. In October 2023, the applicant had still not filed for a SUP and Code Enforcement again visited the site. The applicant stated that she was moving the sanctuary to an undetermined site, possibly in Levy County or Marion County. The applicant then purchased the subject parcel in Morriston, FL in December 2023.

Growth and Animal Services staffs were made aware that the applicant had purchased the subject parcel and was planning on moving the sanctuary from Dunnellon to this location due to a potential violation that was reported by a neighbor on February 13th, 2024. Code Enforcement visited the subject parcel on February 15th 2024 and cited the applicant once again for operating a kennel without a license (no wards of the Sanctuary were moved to the Morriston site at the time of this visit, or have been to date) and for violations of permitting requirements for flood zone maintenance. The applicant had five truckloads of dirt dropped on the property within the FEMA identified 100-year flood plain.

As of July 10th, 2024, no SUP had been filed with Growth Services. Animal Services Officers began visits to both location in order to catalog all animals, personal and wards of the sanctuary. Animal Services report indicated “All dogs appeared in adequate condition, with adequate enclosure/shelter and had access to fresh water,” and “With the assistance of staff, we were able to block entrances to keep cats from being able to go in/out of their areas. All catteries were clean and free of feces with a large amount of litter boxes. Each cattery had air-conditioned sheds as well as outdoor enclosures.” Multiple citations were issued for lack of current licensing and rabies vaccinations. (Full inventory of animals and cited violations included in Attachment D) SUP application received July 22, 2024.

The Morriston location was visited by staff from Growth Services (Planning & Code Enforcement) staff on September 12th, 2024. Upon inspection, food and water was readily accessible to all personal animals and the enclosed and open run areas were free from any waste and in a well-maintained state. All animals appeared to be in good physical condition and were very alert. Conversations with the applicant at this time led to the applicant agreeing to remove all canines from the rescue operation. The applicant also agreed to limit any new animal intake to the elder infirmed felines as previously indicated. Additional conversations were conducted regarding the necessity to mitigate any additional calls to Animal Services by better containing the personal canines that were being housed on site as well as buffering requirements. It was also agreed to that the applicant will formulate a contingency/emergency response plan in the event of an emergency, natural or personal, that could threaten the containment integrity of the catteries or the applicant’s ability to adequately care for the number of animals on site.

While there have been a number of violations related to personal animals, mostly canines escaping containment and one situation which necessitated the recent euthanization of one dog. Containment has since been addressed by the applicant with the addition of ‘no-climb’ fence being applied to the entire perimeter of the subject parcel. Animal Services has documented the history of animal related complaints associated with both property locations and Mrs. Lopriori. (Also Included as Attachment F – Animal Services Report) The recommendation of **APPROVAL WITH CONDITONS** derives from interdepartmental analysis of this particular case and found it was the most reasonable way to mitigate impacts to adjacent properties surrounding the subject parcel and to be able to effectively monitor the operations of this facility. After the Planning and Zoning Commission a condition was added to allow Animal Services to inspect the property twice a year.

II. STAFF SUMMARY/RECOMMENDATION

Staff recommends **APPROVAL WITH CONDITIONS** of the applicant’s request. If the Board should decide to approve this application, staff recommends the conditions specified herein (Attachment B). The conditions are recommended for approval to address the ten (10) requirements in LDC Sections 2.8.2.D and 2.8.3.B.

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 15 owners on 9/13/2023. 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 9/12/2024 and consistent with LDC Section 2.8.3.E. due public notice was published in the Ocala Star-Banner on 3/11/2023.

Evidence of the above-described public notices is on file with the Growth Services Department and is incorporated herein by reference.

IV. 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 ten (10) 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.

Access is established from NW 160th Avenue, which is a rural County maintained Major Local roadway with ample capacity. The corridor is a low volume traveled road and the establishment of the proposed use would pose minimal trip generation.

- 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.

The applicant has indicated that they "have a vast area for parking". The proposed use of the subject parcel is not supposed to or projected to need a large parking area, all of which would be required to be contained on the subject parcel. The frequency of visitors and delivery to the site, will be minimal as the applicant will be very limited in the intake of any new wards. Most visits to the site will be for adoption or delivery purposes. It is not anticipated that there will be any spacing deficiencies on site to accommodate any vehicular parking related to the diminishing rescue kennel operations.

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

Animal and bedding waste are proposed to be contained in receptacles on-site and away from neighboring property lines. The applicants have indicated that they will utilize a waste removal company to remove the receptacles regularly and as needed.

- *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. Water and sewer services are provided through well and septic system. Sufficient facilities exist to accommodate all requirements of the feline rescue operation. A primary residence and small enclosed yards exist on the subject parcel at this time. The addition of two 30' x 50' kennels

(catteries) with outdoor enclosed runs on-site will occur if the proposed use is approved. The applicant has indicated that they intend to install a separate septic system that will specifically be used for the operations associated with animal rescue. (Cage and facility wash out, animal bathing, etc.)

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

The applicant has installed 'no-climb' fencing to the four-board fencing around the entire perimeter of the property. Viburnum or Ligustrum hedge will be installed along the eastern and southern borders of the subject parcel.

- *Along the eastern and southern borders of the subject parcel, shrubs shall be planted in a singular row and be capable of reaching a maintained height of six feet within three years.*

- 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.

The applicant has indicated that there will be no signage on the property associated with the rescue operation. Staff recommend that no signage be permitted at this location as the applicant has indicated that there have been multiple instances of individuals leaving animals at the end of their driveway without making appropriate arrangements to do so.

Exterior lighting currently exists on the subject parcel but is limited to outdoor sconces and pathway lighting. Additional lighting is not planned at this time. Should any additional lighting be installed, it shall be properly permitted and adhere to all conditions established within Marion County Land Development Code including being pointed downward and inward on the subject parcel.

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

All wards of the sanctuary are to be kept in the two proposed interior kennel buildings (catteries) with, external run areas. According to the conceptual plans submitted by the applicant, and analysis by the Marion County Animal Services Department, sufficient internal/external area exists for the health and safety of the felines.

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

The surrounding properties are moderately sized agricultural/residential parcels with some buffering provided by natural foliage, similar to the subject parcel. Additionally, the sizes of the adjacent parcels are large enough where significant spacing is provided from the proposed kennels to the adjacent homes. Perimeter fencing, kennels and run areas shall be installed prior to any wards of the sanctuary being housed on site.

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

The applicant has submitted an accurate 'Findings of Fact' sheet as required by the terms of the Special Use Permit application and has supplied an itemized list of all animals identifying which are personal pets and which are wards of Sanctuary to The Maxx. The applicant has agreed to remove all canines from the rescue operations as well as limit intake animals to only infirmed elder felines with the overall goal of significantly diminishing the number of animals that are wards of the sanctuary.

Due to the current circumstances surrounding these operations, it was the position of staff members, from multiple departments, that this application should be heard as quickly as possible in order to bring the subject parcel and rescue operation in to compliance and to provide relief to the adjacent properties, in Rainbow Lakes (Dunnellon) and Morriston, by making a determination as to whether Sanctuary to The Maxx shall be permitted to be moved to this location and what regulations will be required therein.

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:** (A-1) General Agriculture zoning classification specifically lists a kennel use that is allowable for consideration of a SUP. However, it does not specifically limit the number of animals that a kennel may house and the use has to warrant a SUP such as a breeding kennel or a rescue kennel that accepts donations or fees for adopting pets. Should the applicant declare that the animals are personally owned by her and shuttered the rescue kennel, Marion County Land Development Code does not provide a limitation of the number of animals that may be housed on site either. The Marion County Comprehensive Plan does not warrant any single individual condition based on the requested Special Use. If this SUP is approved by the Board of County Commissioners, alternative conditions of approval are included based on the unique conditions of this request.

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 (10) requirements are imposed.

V. CONCLUSION

- A. Staff recommends **APPROVAL WITH CONDITIONS** of the applicant's request. It is the position of Growth Services staff, working closely with Animal Services staff and the County Attorney, granting the applicant this SUP will:
- Immediately begin the process of removing all canines from the status as wards of Sanctuary to The Maxx;
 - Not allow canines to be wards on the property located at 13250 NW 160th Avenue, Morriston, FL;

- Begin the process of diminishing the total number of felines within *Sanctuary to The Maxx* by the applicant's own voluntary actions;
- Begin the legal permitting of the Morriston property to house the felines wards of *Sanctuary to The Maxx* while also clearing liens and violations and initiating the shutdown of the Rainbow Lakes Estates (Dunnellon) property;
- Allow Marion County staff members to monitor the activities of *Sanctuary to The Maxx* through twice annual inspections, whereas the applicant is still declaring the rescue operation. If the applicant were to shut down all operations of the rescue operation and declare the wards of *Sanctuary to The Maxx* as personal pets, Marion County Code would not prevent the applicant from being able to maintain all animals on site as there is no codified limitation of numbers of animals on General Agriculture (A-1) properties.

Additionally, the level of care that is being provided to the animals is not immediately in question as Animal Services has indicated that all of the animals under the applicant's care appear to be in suitable condition.

Conditions of Approval are specified in Section V.B. should this SUP be approved. The conditions are recommended to address the ten (10) requirements in LDC Sections 2.8.2.D and 2.8.3.B,

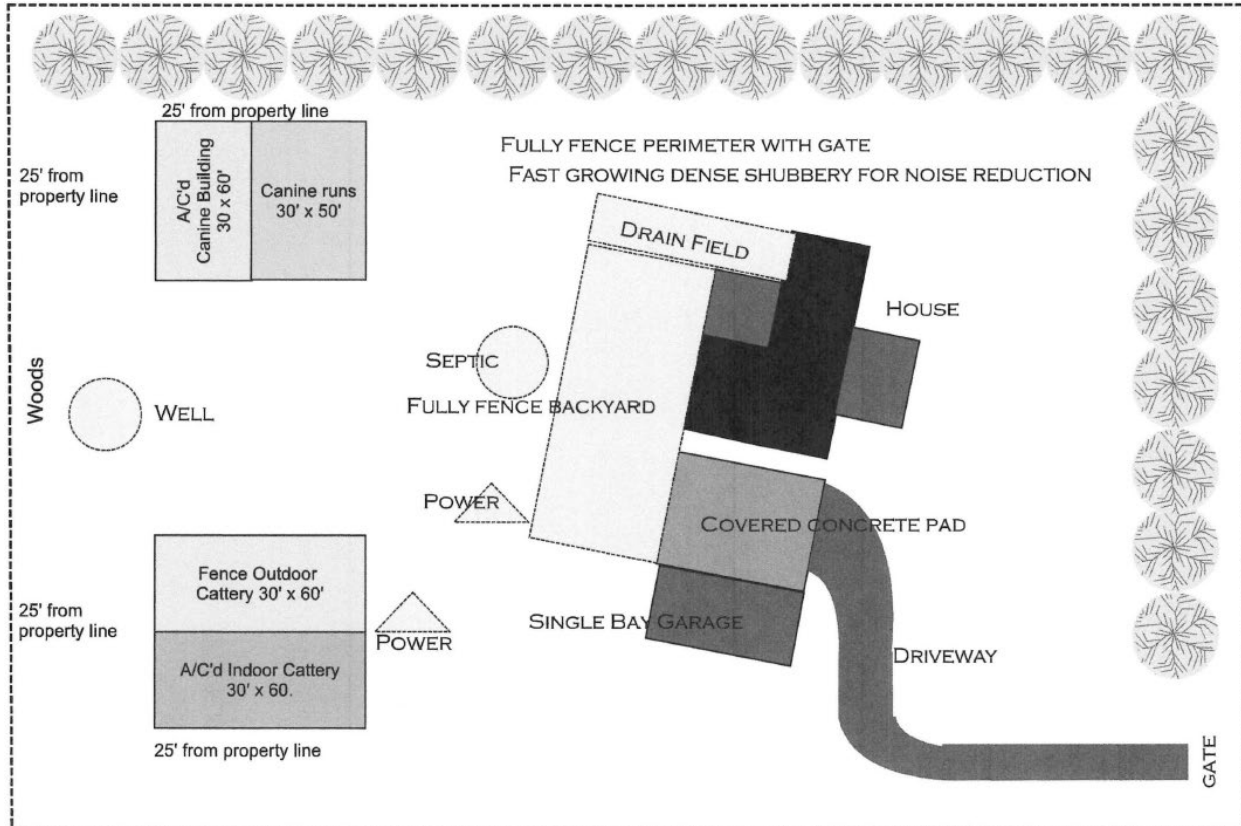
- B. Should a determination of APPROVAL be established, the following conditions are imposed:
1. *The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval. Upon the initiation of the site plan process, all flood plain changes must be approved and mitigated.*
 2. *The Special Use permit only allows for felines. It allows up to one-hundred and thirty-five cats (135) felines to be wards of the sanctuary within the kennels that are to be constructed on site. No other kennels shall be constructed on site to increase capacity.*
 3. *This Special Use Permit shall run with the applicant (Dori Lopriori) and not the property.*
 4. *Signage shall not be permitted at this location.*
 5. *Any additional lighting to be installed on the subject parcel shall be pointed down and inward and shielded to mitigate glare impacting surrounding properties.*
 6. *All animal waste shall be collected daily and removed from the site at least weekly.*
 7. *Prior to wards of the rescue/sanctuary being housed on the subject parcel, the applicant shall provide to the Marion County Animal Services Department an emergency contingency plan for the care/reacquisition of all animals in the event that there is a major breach of the feline kennels.*
 8. *All animals, that are wards of the sanctuary, shall be micro-chipped and spayed or neutered within one-hundred and twenty (120) days.*
 9. *The applicant must remain current on required rabies vaccines and county licensure on all Sanctuary animals and any new elder, infirmed felines shall be current within 2 weeks of intake. This list shall also indicate exactly which animals are personal pets of the operators and which animals are wards of the rescue/sanctuary.*

10. *The applicant must maintain a working relationship with licensed veterinarian.*
11. *The applicant must comply with the most updated version, as may be amended and updated, of The Association of Shelter Veterinarians' Guidelines for Standards of Care in Animal Shelters, published through the Journal of Shelter Medicine & Community Animal Health.*
12. *The applicant shall follow vaccination schedule for all sanctuary animals recommended by a license veterinarian.*
13. *Vegetative buffering on the southern and eastern boundaries of the parcel, in the form of Ligustrum or Viburnum, shall also be planted immediately. Shrubs shall be planted in a singular row and be capable of reaching a maintained height of six feet within three years.*
14. *Enclosed kennels and shall be constructed in order to house all felines. Feline runs shall be enclosed on all sides and the top.*
15. *No commercial boarding of any animals shall occur on-site. This does not include the boarding for the purpose of assisting with temporary care of animals of family members or friends, as may be requested from time to time, without compensation.*
16. *A separate septic system shall be installed to accommodate the kennel areas. It shall be large enough to accommodate solid and liquid wastes for all wards as well as the daily wash for maintenance of the kennels. The applicant shall have one year to install this system.*
17. *A contingency plan shall be submitted to animal services within sixty (60) days of the approval of this SUP. This plan shall outline the applicant's planned course of actions to mitigate any breach of the catteries during natural storm events and to address the health and maintenance of all animals should the applicants become infirmed.*
18. *The applicant shall begin the Development Review process for the construction of the kennels within ninety-day (90) days of the approval of this SUP.*
19. *The applicant shall begin the permitting process for construction of the kennels within one-hundred fifty (150) days of the approval of this SUP. Should supply situations hinder this timeline, the applicant must immediately contact Growth Services staff in order to request a modification.*
20. *Animal Services shall conduct two inspections per year.*
21. *The Special Use Permit shall expire on October 15, 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 Permit review process (or review process equivalent at that time.)*

VI. P&Z RECOMMENDATION

APPROVAL WITH STAFF CONDITIONS (4-3)

Figure 1: Site Plan



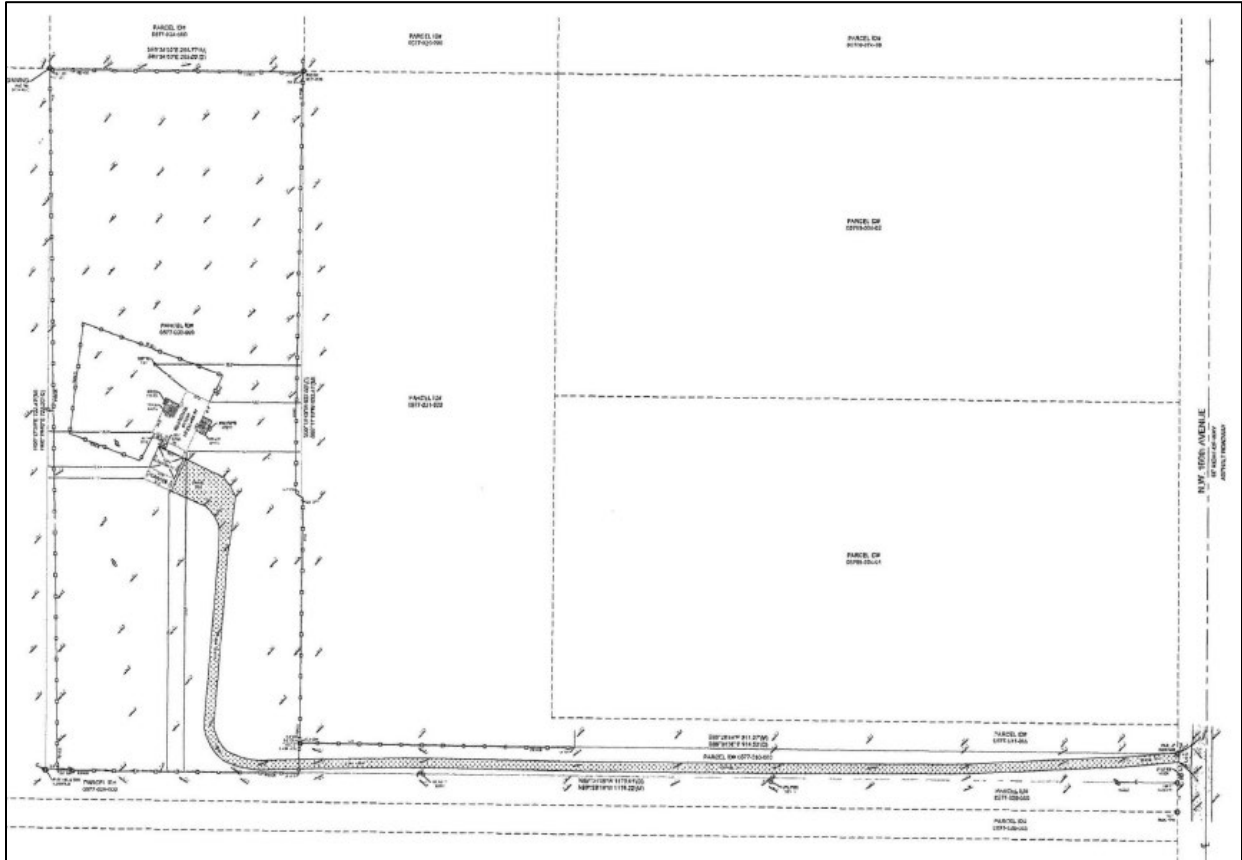


Figure 2: Aerial (Subject Parcel)



Figure 3: Aerial (Area)

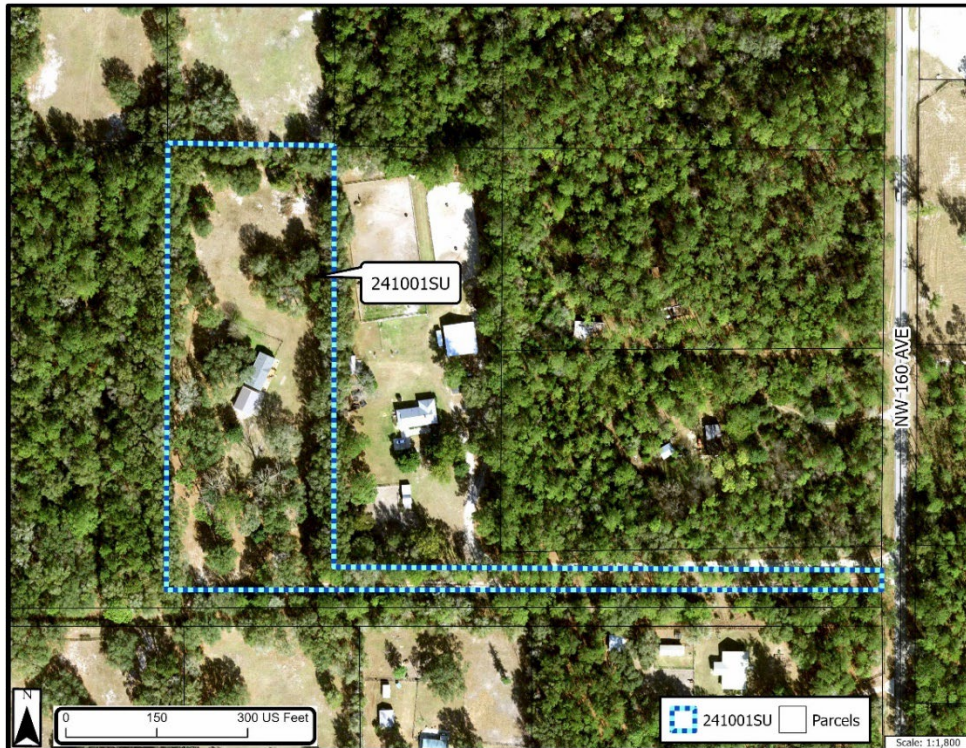


Figure 4: Zoning

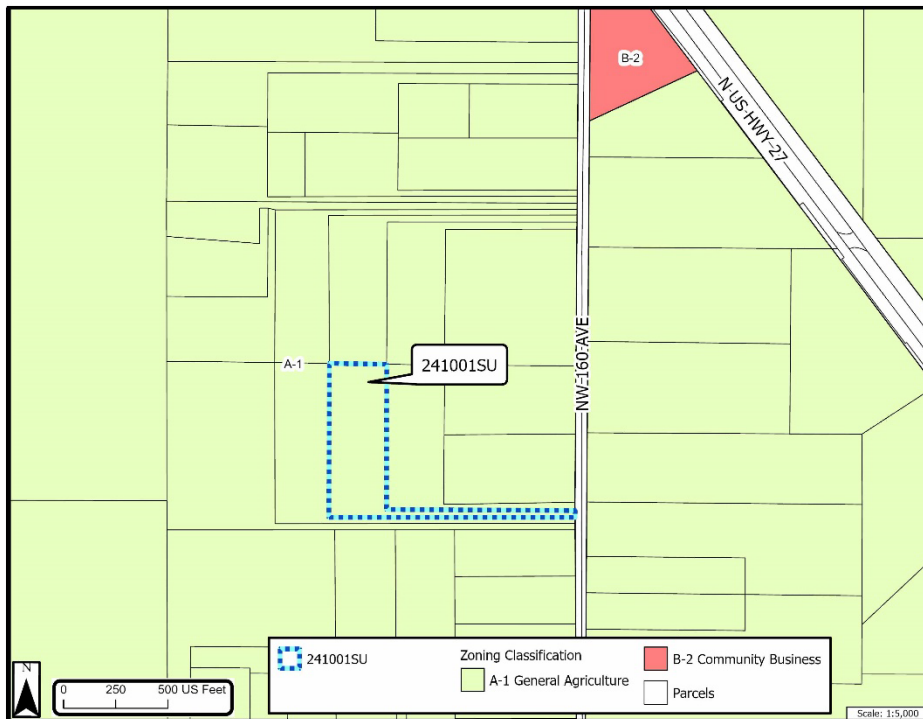


Figure 5: Future Land Use Map

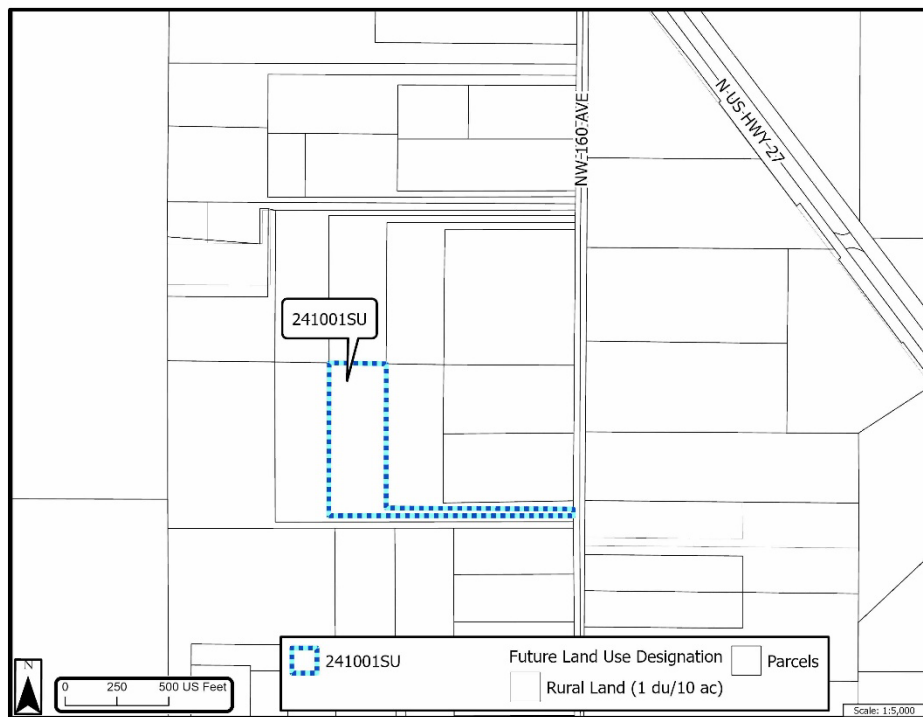
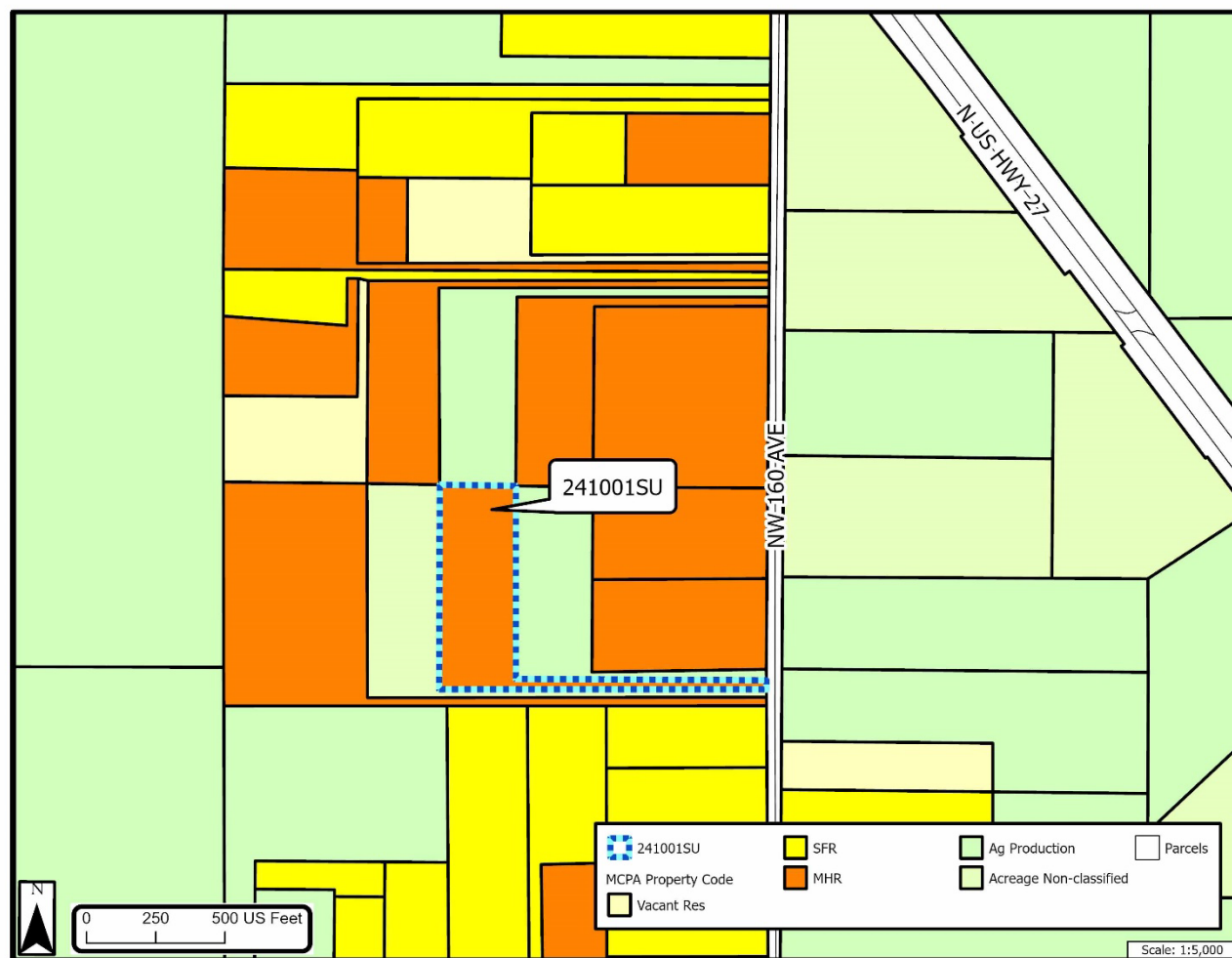


Figure 6: Current Uses (Surrounding Properties)**VII. LIST OF ATTACHMENTS**

- A. SUP Application Filed on 1/30/2024 /Kennel Schematics
- B. Legal Description/Deed
- C. Animal Licensure (Rabies)
- D. Site Photos
- E. Animal Services Report
- F. Code Enforcement Reports: CC944451 & CC92410