



**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&Z Date: 3/25/24	BCC Date: 4/16/2024
Case Number:	240401SU
CDP-AR:	31110
Type of Case:	Operation of Canine Rescue Kennel – Up to 25 Rescue Canines
Owner	Romani, Judith
Applicant	Bowden, Jennifer
Street Address	3781 NW 100 th Street Ocala, FL 34475
Parcel Number(s)	12839-001-00
Property Size	±52.7 acres
Future Land Use	Rural Land
Zoning	General Agriculture (A1)
Overlays Zones/Special Areas	Secondary Springs Protection Zone (SSPZ)
Staff Recommendation	DENIAL
P&Z Recommendation	TBD
Project Planner	Kenneth Odom, Transportation Planner
Code Case	N/A
Historical Changes	N/A

I. ITEM SUMMARY

Janet Bowden, agent for the applicant, has filed an application on behalf of Judith Romani, for a Special Use Permit (SUP) to continue to operate a kennel which houses multiple breeds of canines in a self-described rescue operation. (See Attachment A). The Parcel Identification Number associated with the property is 12839-001-00, and the street address is 3781 NE 100th Street, Ocala, FL 34475, the legal description is included as Attachment B.

The applicant has been operating the 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 site is currently recorded at twenty (20) canines (multiple breeds), four (4) (three parrots/cockatoo), and one horse. The applicant is requesting to be permitted to maintain up to twenty-five (25) canines on site, at any given time. The applicants are now maintaining full veterinary records for all animals, and have submitted those to Marion County. Maintenance of those records was incomplete until October of 2023. The applicants have no plans for breeding of the canines and have indicated that they are actively having them spayed/neutered at a rate of one to two a month. No canines are intended to be sold from the proposed activities.

The operation was observed by staff from Growth Services and Animal Services on February 23rd, 2024. Upon inspection, food and water was readily accessible to all animals and the kennels 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. Animal Services Report, Marion County Animal Licenses and Rabies License are included below. Current licensure shall be maintained for all canines and the kennel shall be maintained at all times. See Attachment C.

The majority of the canines are being housed in open kennels with roof cover providing shelter for the animals. Walls and durable windbreaks are not provided for any of the three kennel facilities so protection against inclement weather conditions is not provided for the primary canine housing facilities. The applicant has indicated that all animals are moved into interior barn locations during poor weather conditions, but staff members from both County departments have significant concerns about this arrangement in the event that Mrs. Romani or Mrs. Bowden are not immediately available or are physically unable when this action becomes necessary. Additionally, it appears that Kennel #2 has been recently constructed, with a poured concrete pad and overhead electrical lighting. No permits have been identified as being pulled for the concrete pad, nor for electrical wiring and lighting in Kennel #2.

The most significant concerns among staff members, from both departments originates from the history of Mrs. Romani with Animal Services dating back to 2012. There have been a number of violations related to animals escaping containment, active cruelty and poor health resulting in death or necessary euthanization. Animal Services has documented the history of animal related complaints associated with this property and Mrs. Romani. (Also Included as Attachment E – Animal Services Report – Part I)

- **A23-137272 - Cruelty - 3/13/23** MCPS reported underweight horse in distress on property, ACO, CI & MCSO Ag Deputy responded to the location and met with Dawn Tottel, family member of A/O Judith Romani who was currently undergoing a medical treatment and not on scene, horse was found to be emaciated along with 3 other miniature horses found to have injuries/lameness issues,

A/O had the four horses/minis in question euthanized and rehomed the remaining 24 horses/minis on the property leaving no livestock on the property, case was closed

- **A22-133207 - Kennel License - 10/27/22** - *Kennel license case regarding small designer breeds being offered for sale online, letters for compliance have been sent to A/O Judith Romani with no compliance, on 10/4/23 ACO Hunter & ACO Myers responded to the location and conducted an inspection, citations were issued for rabies vaccines, county license, proper shelter and operating a kennel without a kennel license, A/O Judith Romani complied with rabies vaccines, county license and shelter requirements*
- **A20-111541 - Livestock At Large - 9/27/20** - *Gilbert Britton reported 10 mini horses running loose, ACO confined horses back to A/O Judith Romani's property who escaped through an open gate that someone left open, A/O was educated on control*
- **A20-106932 - Cruelty - 3/18/20** - *Anonymous report of dogs in kennels and parrots, well being check, ACO met with A/O Judith Romani and educated on shelter, case was closed and referred to active cruelty case A15-059928*
- **A19-098941 - Cruelty - 6/26/19** - *Anonymous report of 2 underweight mares on the property, ACO met with A/O Judith Romani and observed two lean nursing mares on the property, case was closed and referred to active cruelty case A15-059928*
- **A18-088205 - Livestock Sick/Injured - 6/17/18** - *Kelly Lehman reported a horse was on the property dying, ACO responded and found a deceased horse in adequate body condition with no visible injuries, A/O Judith Romani advised that the horse in question was blind and in poor health, A/O educated about proper disposal, case was closed*
- **A18-085520 - Stray - 3/29/18** - *Judith Romani reported a stray dog on her property*
- **A16-061747 - Livestock At Large - 1/28/16** - *Jose Sabin reported 9 minis roaming around his property for 2 weeks, A/O Judith Romani was educated on control & fencing in need of repair which she was actively fixing*
- **A15-059928 - Cruelty - 11/24/15** - *Kristy Powell reported sick/injured horse unable to get up, horse needed farrier care, case was referred to Compliance for further investigation, multiple horses on the property needed ongoing farrier care, weight gain and the case was monitored until 5/6/20 when closed with no further violations*
- **A14-047798 - Livestock At Large - 10/13/14** - *Heather Davis reported neighbors two horses got through fence and are loose on her property, A/O Judith Romani contained her horses and was educated on control/fencing needing repair*
- **A13-031281 - Cruelty - 3/5/13** - *Anonymous report of 40-50 minis, 20-30 horse, 10-20 dogs on property in poor condition, some horses/minis were found in need of farrier care, A/O Judith Romani complied with farrier care, case was closed*
- **A12-024024 - Cruelty - 6/16/12** - *Celeste Bates reported horses with long hooves, ACO met with A/O Judith Romani and found horses in need of farrier care, A/O was educated, recheck was done and owner complied with requirements, all animals were observed in adequate body condition, case was closed*

II. STAFF SUMMARY/RECOMMENDATION

Staff recommends **DENIAL** 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 12 owners on 3/8/2023. 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 3/5/2024 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 100th Street, which is a rural County maintained Collector roadway with ample capacity. No sale of animals will occur from this site. No new trip generation is expected from the proposed use.

- 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 no animals kenneled on this portion of the property will be up for sale or adoption (A separate portion of the property is being leased to this applicant's daughter-in-law (Dawn Tottell) for a Serbian Rottweiler breeding kennel. These operations are not related, nor complementary of one another.) No additional parking accommodations are required at this location as this portion of the facility is not open to the public for any type of operations.

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

Animal and bedding waste are contained in receptacles on-site and away from neighboring property lines. The receptacles are removed as needed. 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.

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

Electrical services are provided by Duke Energy Inc. Water and sewer services are provided through well and septic system. Sufficient facilities exist to accommodate all requirements of the canine breeding and care operation. As previously mentioned, questions regarding electrical permitting for Kennel #2 need to be addressed.

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

The subject parcel is completely fenced, with 'three-board' frame and 'no-climb' backing, around the entire perimeter. The subject and adjacent parcels are large agriculturally zoned lands. No additional buffering is required.

- 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. Should the applicant decide, at a later date, to install signage, the applicant will be required to adhere to Marion County Land Development Code for the provision of signs for Home Occupations. One sign, either single or double faced, non-illuminated, not exceeding six square feet in size and not higher than four feet, may be located no closer than five feet to the front property line.

Exterior lighting currently exists on the subject parcel, but it is limited and additional lighting is not planned at this time. Any additional lighting on site shall be properly permitted and adhere to all conditions established within Marion County Land Development Code.

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

The majority of canines are kept in external kennel areas with a few smaller animals being kept within the Romani residence and all animals also have access to external run areas. External kennels are of varying sizes across all three locations. Sufficient area exists for the health and safety of the canines.

- 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 buffering provided by natural foliage, similar to the subject parcel. Additionally, the size of the adjacent parcels are large enough where significant spacing is provided from the kennels to the adjacent homes.

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

The applicant has not submitted an accurate 'Findings of Fact' sheet as required by the terms of the Special Use Permit application. The agent for the applicant was informed

about this issue during the site visit with Growth Services and Animal Service staff. The agent agreed to transmit an accurate document containing the required information, but no document has been received to date.

Typically, staff would recommend that an application be temporarily held until such time that all required documentation was received. Under the current circumstances, it is the position of staff members from both departments that this application should be heard as quickly as possible to protect the safety of all animals on site. This opinion is based on the extensive list of -related violations that Mrs. Romani has accrued at this site and the lack of urgency exhibited after being informed by Animal Service staff that a kennel license would be required on 10/27/22. The latter only being addressed once Animal Services visited the property and multiple citations were issued to her on 10/4/2023. (Timeline included in Attachment E – Animal Services Report – Part II) Citations at that time included:

- *Rabies Vaccinations;*
- *County Kennel License, and*
- *Humane Treatment (Shelter)*

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. 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 **DENIAL** of the applicant's request. It is the position of Growth Services staff, working closely with Animal Services staff, that Mrs. Romani, through an extensive history of repeated violations and continued delays in attempts to obtain required licensure, has exhibited a lack of fitness to operate an animal rescue of any type.

Alternative Conditions of Approval have also been 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 an alternative 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.*
 2. *This Special Use Permit shall run with the applicant (Judith Romani) and not the property.*
 3. *One sign either single or double faced, non-illuminated, not exceeding six square feet in size and not higher than four feet, may be located no closer than five feet to the front property line.*
 4. *Any additional lighting to be installed on the subject parcel shall be pointed down and inward and shall be shielded in order to mitigate glare impacting surrounding properties.*
 5. *All dog waste shall be collected daily and removed from the site at least weekly.*
 6. *Within thirty days of approval of this application, the applicant shall provide to the Marion County Animal Services Department, an emergency contingency plan for the care of all animals in the event that Mrs. Bowden is incapacitated or ceases to continue employment with Mrs. Romani.*
 7. *The Special Use permit allows up to twenty-five (25) adult dogs within the kennels that have been constructed on site. No new kennels shall be constructed on site to increase capacity.*
 8. *Canines on property shall not be kept in outside run areas before 7:00 AM or after 10:00 PM.*
 9. *No commercial boarding of dogs/puppies shall occur on-site.*
 10. *The applicants shall maintain up-to-date licensure with Marion County for all canines on-site, at all times.*
 11. *The Special Use Permit shall expire on April 16, 2028; 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

To Be Determined

Figure 1: Site Plan

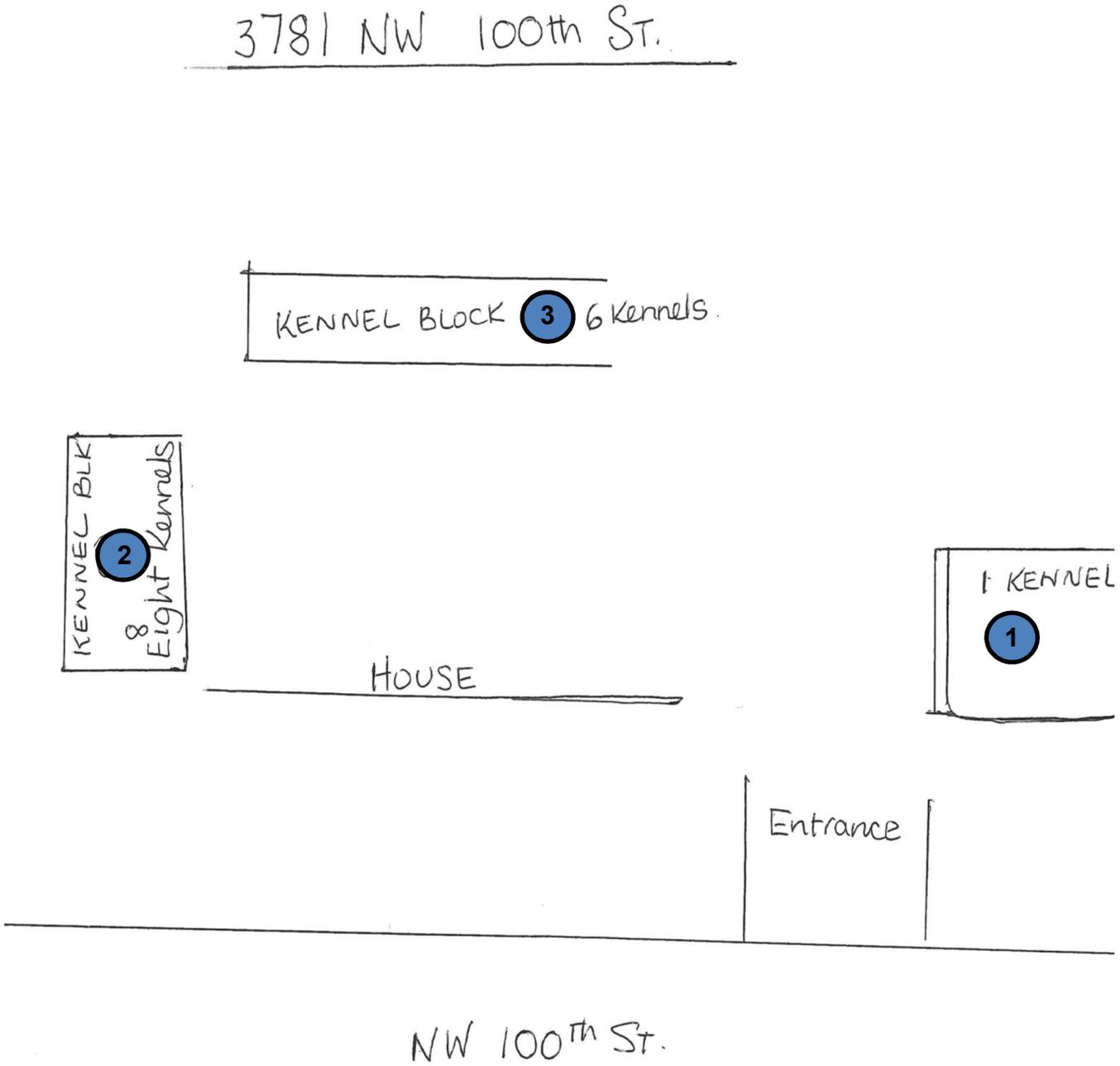


Figure 2: Aerial (Subject Parcel)

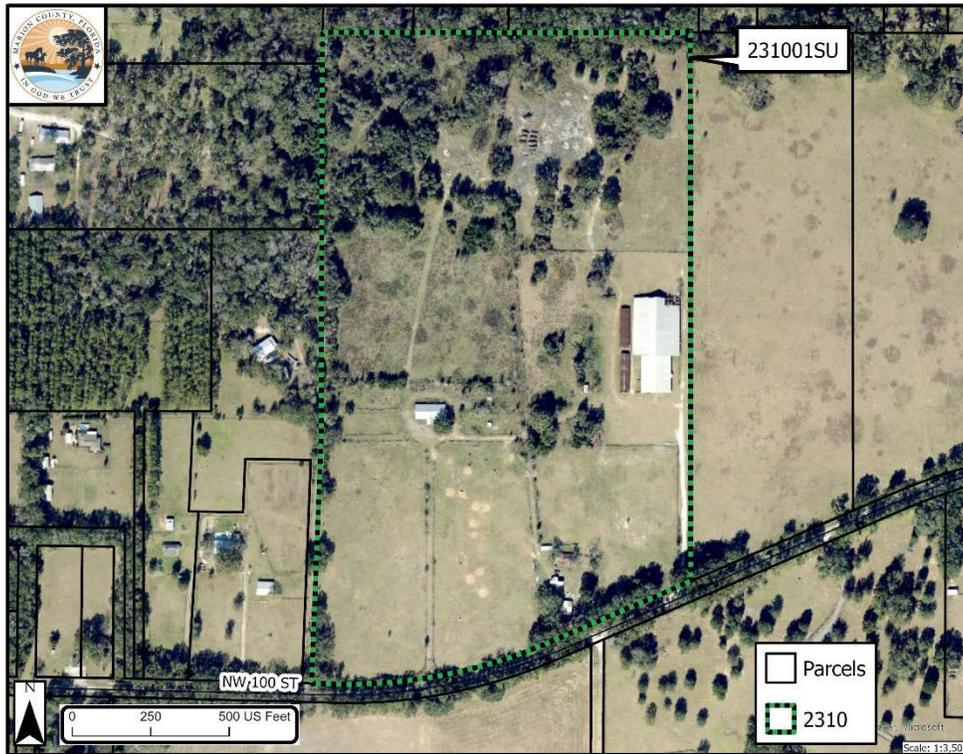


Figure 3: Aerial (Area)

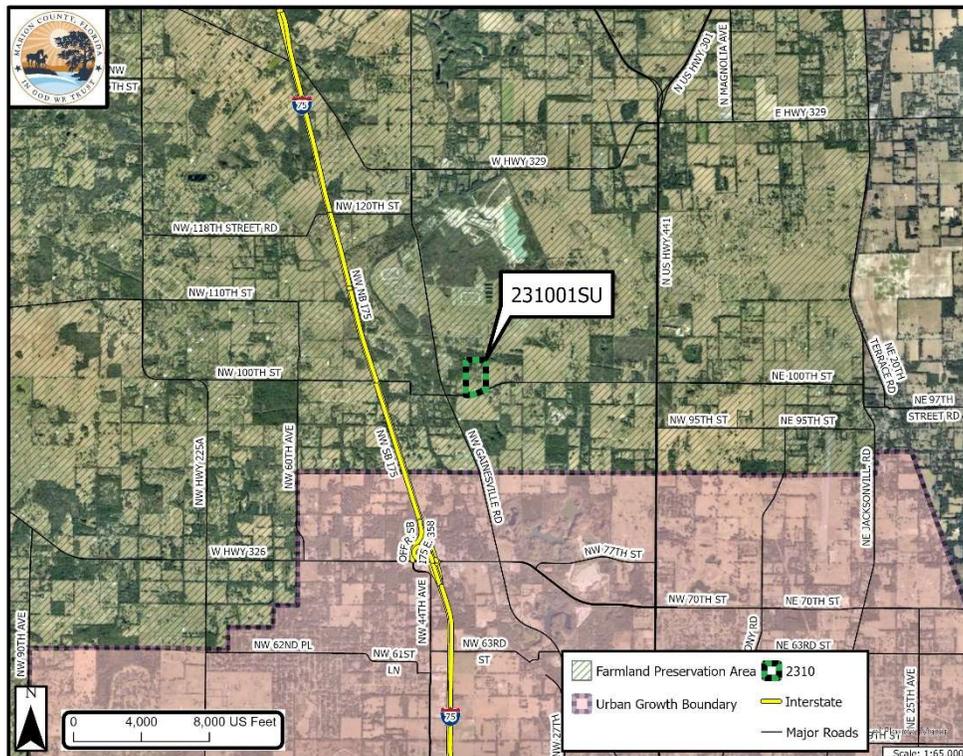


Figure 4: Zoning

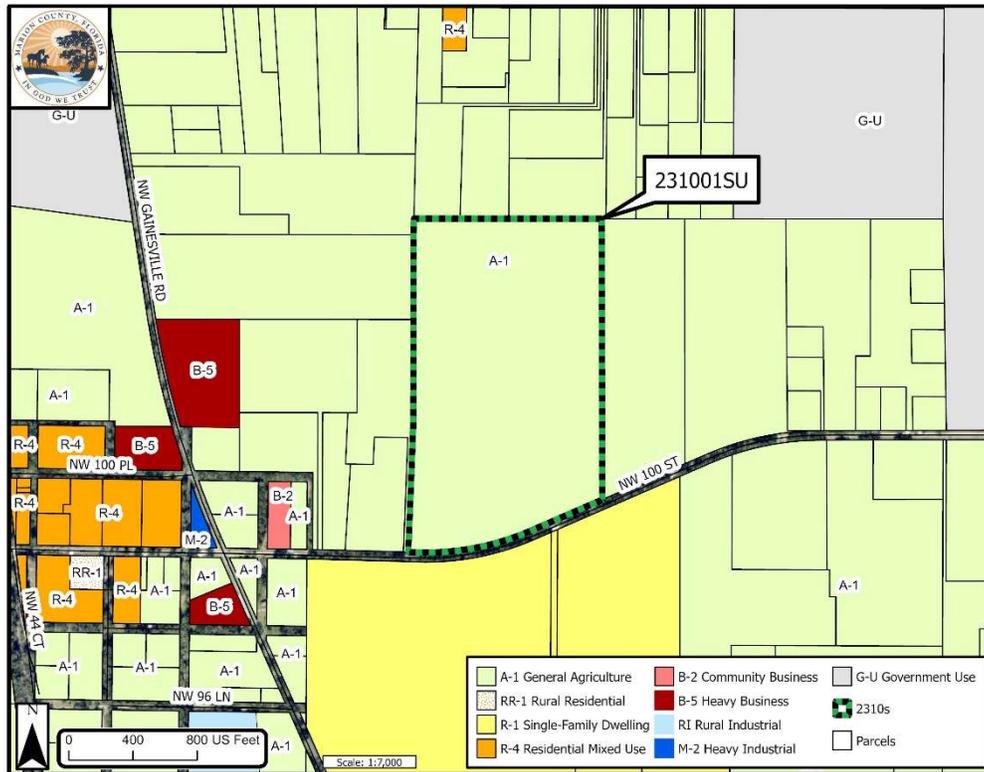


Figure 5: Future Land Use Map

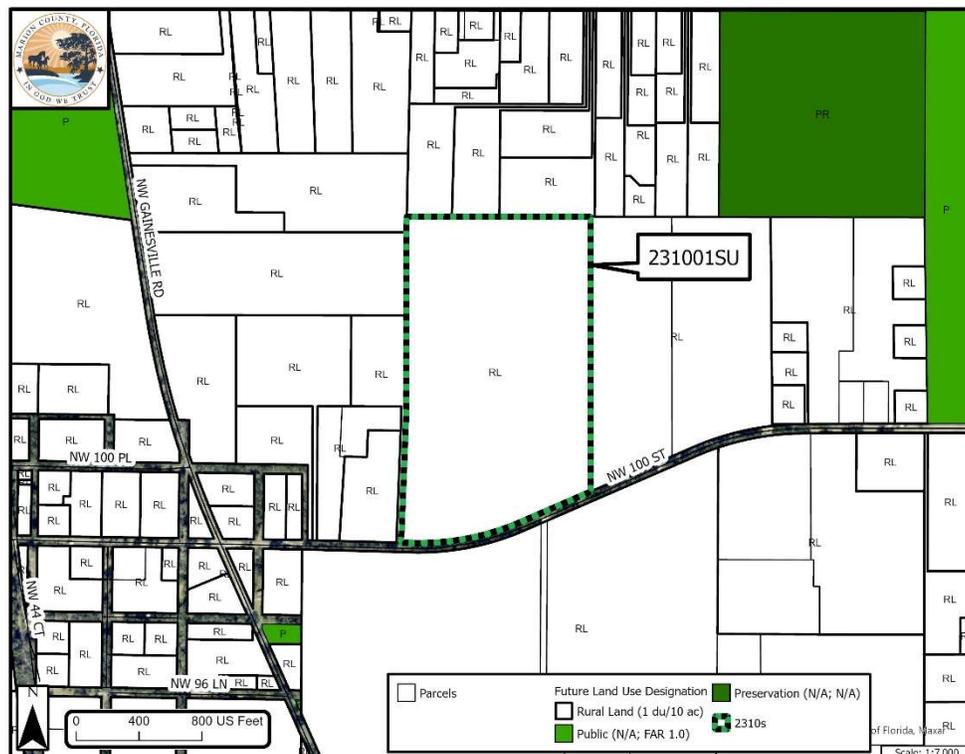
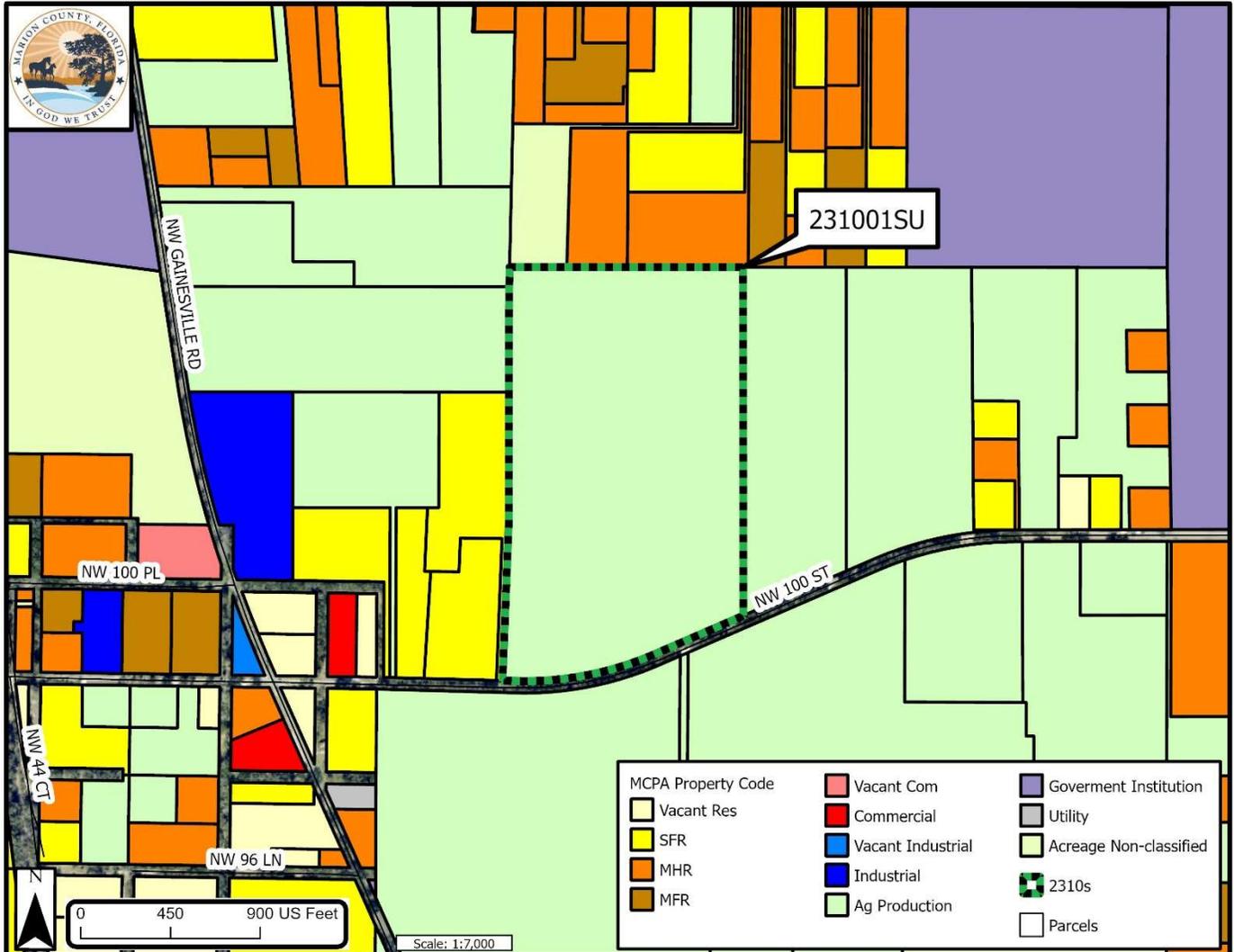


Figure 6: Current Uses (Surrounding Properties)



VII. LIST OF ATTACHMENTS

- A. SUP Application Filed on 1/30/2024
- B. Legal Description/Deed
- C. Animal Licensure (Rabies)
- D. Site Photos
- E. Animal Services Report