



**Marion County
Board of County Commissioners**

Growth Services

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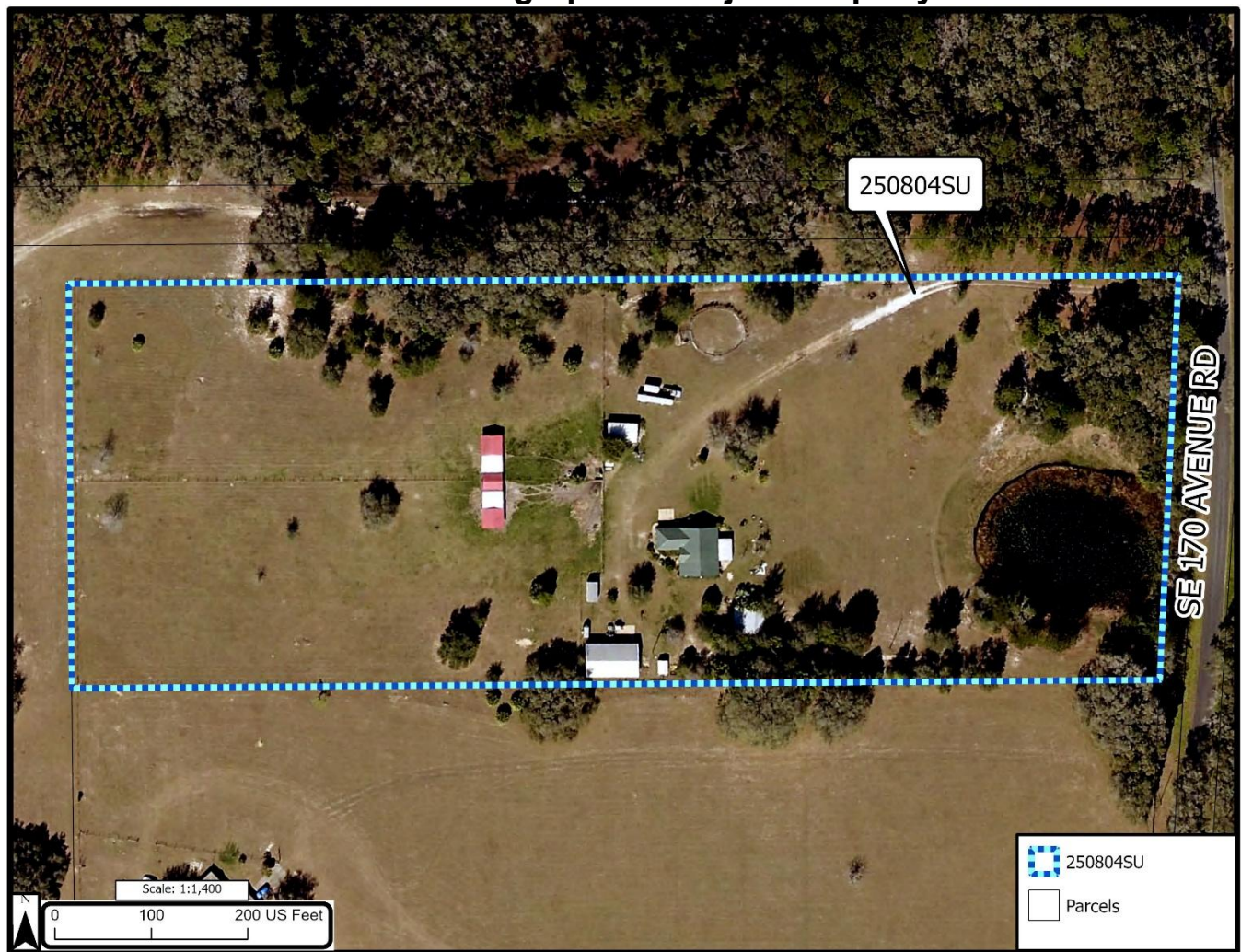
**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 7/28/2025	BCC Date: 08/19/2025
Case Number:	250804SU
CDP-AR:	32850
Type of Case:	Special Use Permit to allow for two (2) burial plots on A-1 parcel
Owner	Clifford Mynes and Suzi X
Applicant	Clifford Mynes and Suzi X
Street Address	9030 SE 170 th Avenue Road, Ocklawaha, FL, 32179
Parcel Number	39636-001-05
Property Size	±10.98 acres
Future Land Use	Rural Land (RL)
Zoning Classification	General Agriculture (A-1)
Overlay Zone/Scenic Area	Secondary Springs Protection Overlay Zone (SSPOZ)
Staff Recommendation	Approval with conditions
P&ZC Recommendation	Approval with condtions (on consent agenda)
Project Planner	Sarah Wells, Planner
Related Case(s)	None

I. ITEM SUMMARY

Cifford Mynes and Suzi X have filed an application for a special use permit for the establishment of a private 20-foot by 20-foot family burial site, to include two (2) individual burial plots, with monuments reaching four (4) inches in height, three (3) feet in length, and fourteen (14) inches in width (see Attachments A and D). Figure 1 is an aerial photograph showing the location of the subject property. The Property Identification Number associated with the property is 39636-001-05, Address: 9030 SE 170th Avenue Road, the parcel is within the Lake Side Mini-Farms unrecorded subdivision, and the legal description is displayed on the deed included as part of the application. The subject property is located outside of the Urban Growth Boundary (UGB) and is located within the Secondary Springs Protection Overlay Zone (SSPOZ).

Figure 1
Aerial Photograph of Subject Property



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL WITH CONDITIONS** due to the request being consistent with the Marion County Comprehensive Plan, compatible with the surrounding area, and will not adversely affect the public interest 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.

III. NOTICE OF PUBLIC HEARING

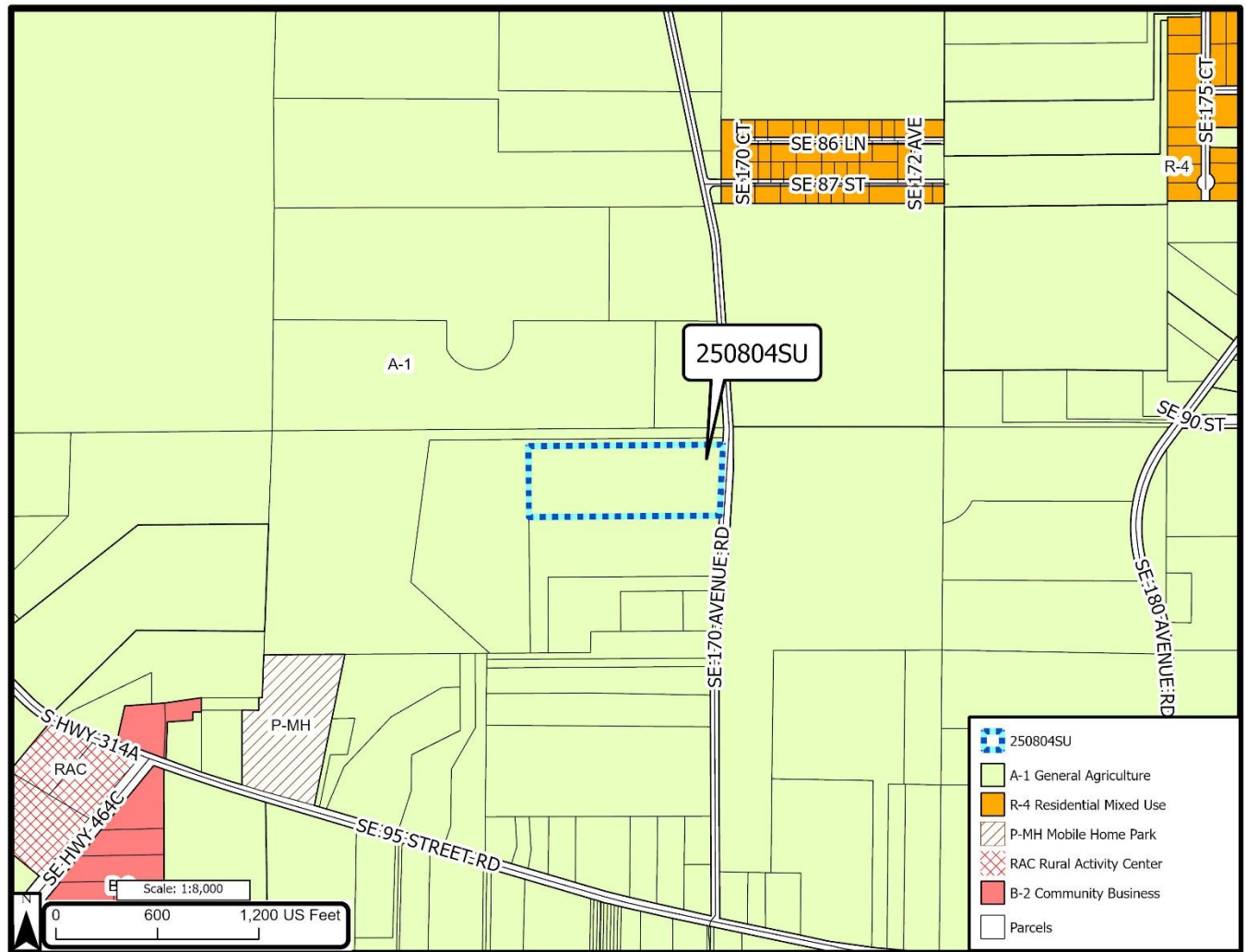
The Growth Services Director has interpreted the requirements of Land Development Code (LDC) Sections 2.7.3.C and 2.7.3.B to apply to SUP applications. LDC Section 2.7.3.C requires notice of public hearing be mailed to all property owners within 300 feet of the subject property and notice was mailed to (4) 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 16, 2025, and consistent with LDC Section 2.8.3.E. due public notice was published in the Ocala Star-Banner on August 4, 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

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 property is developed as Single-Family Residential.

- A. *Zoning district map.* Figure 2 shows the subject property designated as General Agriculture (A-1). Surrounding properties are similarly zoned General Agriculture (A-1).

Figure 2
Zoning Classification



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

Figure 3
Future Land Use Map Series

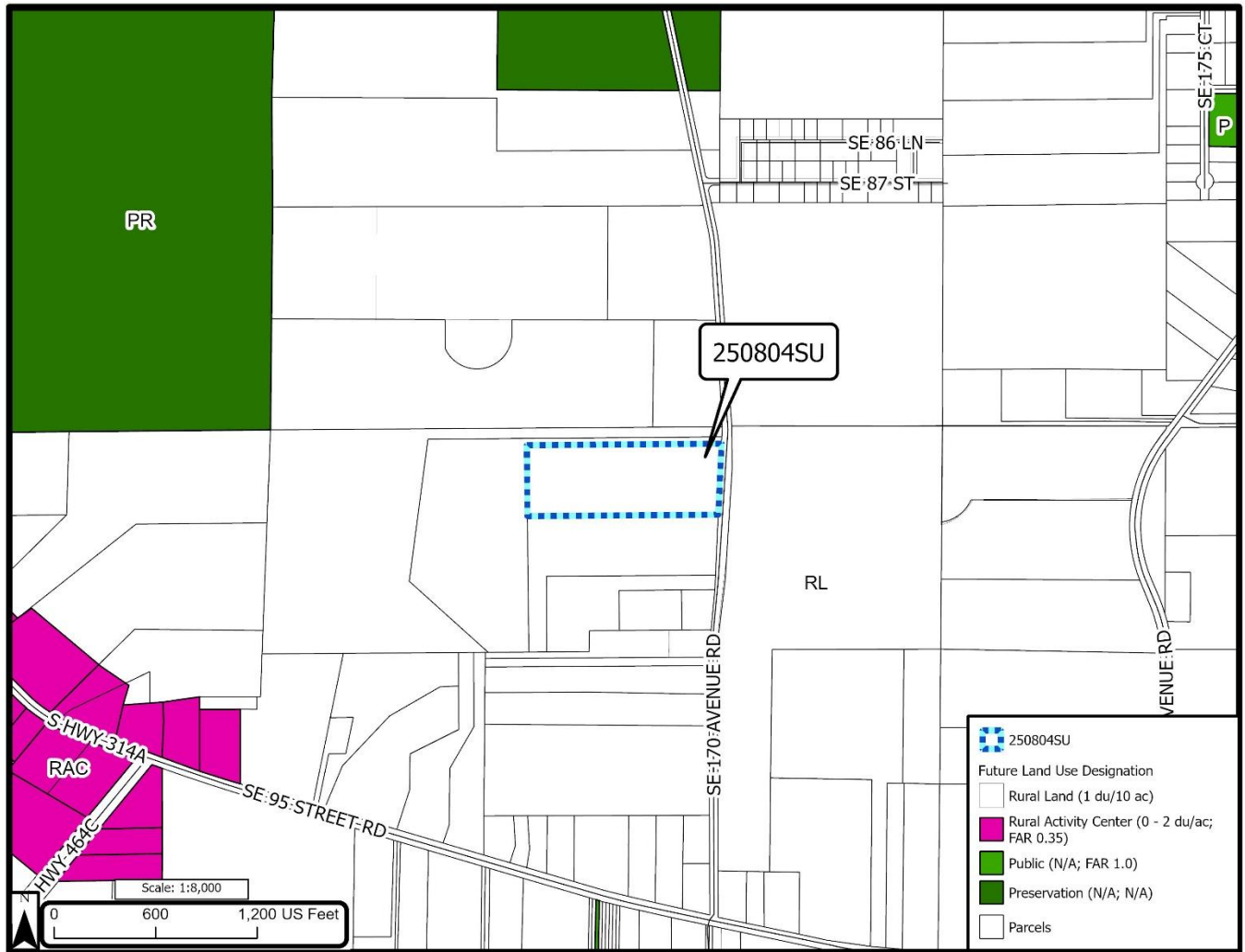


TABLE 1. ADJACENT PROPERTY CHARACTERISTICS

Direction	FLUMS	Zoning	Existing Use
Site	Rural Land (RL)	General Agriculture (A-1)	Single-Family Residential
North	Rural Land (RL)	General Agriculture (A-1)	Ag Production
South	Rural Land (RL)	General Agriculture (A-1)	Single-Family Residential
East	Rural Land (RL)	General Agriculture (A-1)	Ag Production
West	Rural Land (RL)	General Agriculture (A-1)	Ag Production

Figure 4
MCPA Property Uses

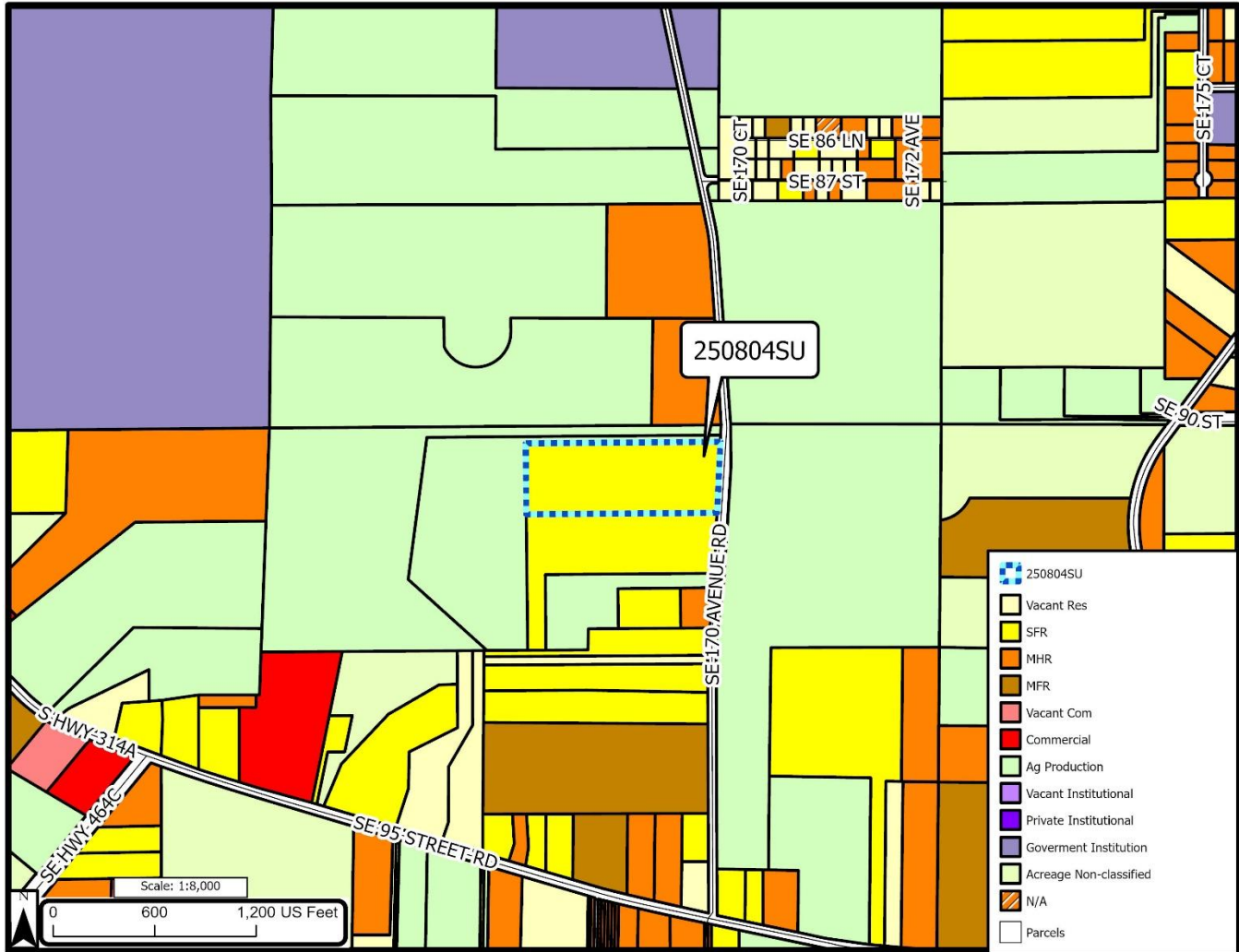


Figure 6
Aerial view depicting proposed location



- C. *Proposed burial site.* Figures 5 and 6 depict the location of the proposed burial sites. The area is positioned 442 feet from the western property boundary line and 90' from the southern property line. A trust has been established which upon the death of Clifford Mynes, Suzi X, and their equines, the land will be placed into a conservation easement. See Attachments E and F.

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 driveway with access on to SE 170th Avenue Road. The proposed use will not alter existing traffic flow, pedestrian safety, or emergency access to the parcel. Staff concludes that the application **is consistent** with provisions for ingress and egress.

- 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: The requested use does not require parking provisions, will have no impact on the economy or noise levels, and will not produce glare or odors. Staff concludes that the application is **consistent** with provisions for off-street parking and loading areas.

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

Analysis: The proposed use will not produce refuse. Staff concludes the application is **consistent** with provisions for refuse.

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

Analysis: DRC comments provided by Utilities state, “*The Special Use Application for burial plots have no impact on flows. No comment from Marion County Utilities. Parcel 39636-001-05 is located within the Marion County Service Area, outside of connection distance with the closest water being over 15,000' away. Located within the Secondary Springs Protection Zone. Located outside of the Urban Growth Boundary. Not located within a neighborhood.*” Staff concludes the application is **consistent** with provisions for utilities.

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

Analysis: The proposed site will be fenced and gated, per the findings of fact provided by the applicant. The findings of fact also state the area has dense vegetation which provide screening to neighboring parcels, however staff notes that some of the mentioned vegetation is on the neighboring parcel. See attachment C for photos of natural buffering and screening. Staff finds the application to be **consistent** with the requirements for screening and buffering, and does not require any additional measures, *provided that the applicant installs and maintains an opaque fence with a secured gate enclosing the proposed burial site.*

- 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: Signs and exterior lighting will not be used for the purposes of this application; therefore, staff finds the application is **consistent** with the signs and exterior lighting requirements of this section.

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

Analysis: The proposed use does not require provisions for green spaces or required yards; therefore, staff finds the application is **consistent** with yards and other green spaces.

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 adjacent properties include ag production and a single family residence. The application is **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.

- *Upon the first on-site burial within the cemetery, a notice indicating the initiation of the Cemetery shall be recorded in the Marion County Public Records, including identifying, at a minimum, the cemetery site with its specific boundaries by legal description, number of plots/spaces, and the conditions of this Special Use Permit.*

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 a Special Use Permit for a cemetery within General Agriculture zoning, thus, the application is **consistent** with FLUE Policy 2.1.5.

Based on the above findings, staff concludes the SUP is consistent 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 **DENY** 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 to **APPROVE AS CONDITIONED** 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. To address compliance with LDC Sections 2.8.2.D and 2.8.3.B, the following conditions are imposed in the event that the Board chooses to agree with staff recommendation and approve the special use with conditions:
 - 1. *The site shall be developed and operated consistent with the submitted conceptual site plan and the conditions as provided with this approval.*
 - 2. *The cemetery shall be developed in accordance with all applicable state and federal regulations, with the exception of funding requirements for perpetual maintenance.*

3. *The cemetery shall consist of a maximum of two (2) burial sites and shall be limited to a maximum of 20'x20' area, as depicted on the conceptual plan.*
4. *An opaque fence with a secured gate enclosing the proposed burial site shall be installed upon the first on-site burial.*
5. *Upon the first on-site burial within the cemetery, a notice indicating the initiation of the Cemetery shall be recorded in the Marion County Public Records, including identifying, at a minimum, the cemetery site with its specific boundaries by legal description, number of plots/spaces, and the conditions of this Special Use Permit.*

VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

Approval with conditions (on consent agenda).

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. SUP Application
- B. DRC Comments
- C. Site Photos
- D. Funeral Documentation
- E. Trust Documentation
- F. Trust Directives