



**Marion County  
Board of County Commissioners**

**Growth Services**

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Ocala, FL 34470  
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**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>P&amp;Z Date: 9/29/2025</b>	<b>BCC Date 1: 10/20/2025</b> <b><u>BCC Date 2: 1/20/2026</u></b>
<b>Case Number</b>	251004SU
<b>CDP-AR</b>	33156
<b>Type of Case</b>	<b>Special Use Permit</b> for mini-farm operations
<b>Owner</b>	Barbara G. Marovich & Kevin A. Marovich
<b>Applicant</b>	N/A
<b>Street Address/Site Location</b>	7600 S Magnolia Avenue, Ocala FL 34472
<b>Parcel Number(s)</b>	36142-000-00
<b>Property Size</b>	±11.78 AC
<b>Future Land Use</b>	Rural Land (RL)
<b>Existing Zoning Classification</b>	Single-Family Dwelling (R-1)
<b>Overlays Zones/Special Areas</b>	Primary Springs Protection Zone (PSPZ)
<b>Staff Recommendation</b>	<b>APPROVAL WITH CONDITIONS</b>
<b>P&amp;Z Recommendation</b>	<b>APPROVAL WITH CONDITIONS (3-1)</b>
<b>Project Planner</b>	Jared Rivera-Cayetano
<b>Related Cases</b>	Zoning Change Request No. 250702ZC

## I. ITEM SUMMARY

Kevin and Barbara Marovich filed a Special Use Permit (SUP) application for a ±11.78-acre property with a zoning classification of Single-Family Dwelling (R-1). The subject property is located at 7600 S Magnolia Avenue, Ocala, FL. The Parcel Identification Number for the subject property is 36142-000-00. Vacated from the nearby Hamblen, H.A. subdivision in 2004, the legal descriptions are provided within the Special Use Permit application (see Attachment A). The site is located outside the Urban Growth Boundary (UGB) and within the Primary Springs Protection Zone (PSPZ). The intention of this Special Use Permit request is to allow mini-farm operations, including beekeeping, farm animals (miniature cattle, miniature goats, sheep, horses, and chickens), and crop production/sales. The applicant had previously withdrawn from Zoning Change Request No. 250702ZC, from Single-Family Dwelling (R-1) to General Agriculture (A-1), at the Board of County Commissioners (BCC) public hearing on July 15, 2025.

Figure 2 provides a preliminary site plan for the requested special use(s), including requested setbacks and other development standards. Along the eastern section, the applicant proposes beehives and a large field for crop production. Along the western section of the subject property, the applicant *originally* proposed up to twenty (20) farm animals, forty (40) chickens, a dwelling unit for an agricultural employee, and other related accessory structures including storage barn(s). Specifically, the applicant initially proposed up to four (4) miniature cows, six (6) miniature goats, six (6) sheep, and four (4) horses on two (2) to three (3) acres of pasture area. Staff is proposing limitations on the number of animals within the subject property, based on correspondence with Marion County Sheriff's Office (MSCO) staff. The applicant proposes changes to initial Staff conditions related to the number of farm animals, access, and buffering.

*\*The Board of County Commissioners had voted to continue this hearing to January 20, 2026. This staff report has been revised for the continued hearing. To reflect major changes since the initial distribution of this report, sections highlighted in Green have been added and ~~sections highlighted in Red have been removed~~.*

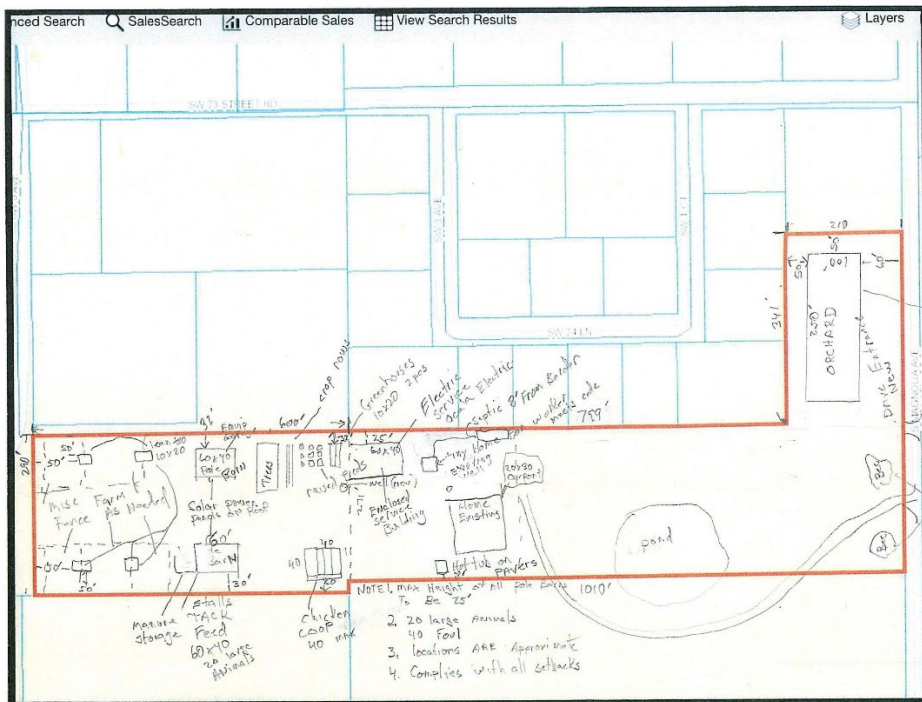
## II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL WITH CONDITIONS**. Staff believes the proposed use is consistent with the Rural Land (RL) Future Land Use (FLU) designation and would promote the agricultural activities intended for the Rural Area. Staff finds the request, as conditioned, is consistent with the Marion County Comprehensive Plan, compatible with the surrounding area, and will not adversely affect the public interest. The conditions in Section VII of this report are recommended to address compliance with the requirements in the Marion County Land Development Code (LDC) Sections 2.8.2.D and 2.8.3.B.

## Figure 1



## Figure 2



### III. NOTICE OF PUBLIC HEARING

The Growth Services Director has interpreted the requirements of Land Development Code (LDC) Sections 2.7.3.C, 2.7.3.B and 2.7.3.E to apply to SUP applications. Consistent with LDC Section 2.7.3.B., notice of public hearing was mailed to all property owners (41 owners) within 300 feet of the subject property on September 12, 2025. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on September 12, 2025, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on September 15, 2025. Evidence of the above-described public notices are on file with the Growth Services Department and is incorporated herein by reference. As of the date of this staff report, letters of opposition have been received from seven (7) members of the public. Staff had received an additional letter from Marion County Sheriff's Office (MSCO) staff prior to the first BCC hearing (Attachment E). Additional public notice was posted on the subject property on January 6, 2026.

### IV. BACKGROUND/CHARACTER OF AREA

#### A. *Existing Site Conditions.*

Figure 1, above, is a general location aerial displaying existing and surrounding site conditions. Figure 2, below, displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

The area surrounding the subject property is low-density. Several properties to the North, West, South, and East of the subject property are used for residential purposes. Several other parcels are characterized by agricultural production, especially to the southwest of the subject property. Per Marion County Property Appraiser (MCPA), the surrounding residential properties are part of the existing Hamblen, H.A. subdivision. However, the subject property itself has been vacated from the subdivision through Resolution 04-R-184 (see Attachment D).

Staff conducted an initial site visit on September 8, 2025 with Marion County Sheriff's Office (MSCO) Agriculture Unit staff. An additional site visit was conducted on September 12, 2025. Staff found that the subject property is highly vegetated along S Magnolia Avenue (and in the eastern section of the property generally). A driveway along S Magnolia Avenue curves around an on-site pond into an adjacent property (PID 36143-000-00), before re-entering the subject property. The driveway is shared between the two (2) property owners. The subject property contains a primary single-family house. The western section of this property contains a small personal garden and orchard. A small tractor and a recreational vehicle (RV) are stored to the rear of the single-family house. Trees are present along the perimeter of the property, with notable gaps along PID



36166-000-00. Staff notes the temporary storage of some agricultural materials (i.e. water tanks) in close proximity to this property.

A fenced pen area for chickens is also located to the rear of the single-family house. Staff notes public reports of more than six (6) chickens and at least one (1) rooster on the subject property in anticipation of the Planning & Zoning (P&Z) Commission hearing. As of the date of the initial distribution of this staff report, there are no active code cases on the subject property. The applicant has indicated that the existing rooster has been rehomed.

The western section is otherwise vacant—especially along the dead end at SW 5th Avenue. Staff notes a portion of a previously-installed fence is located outside of subject property boundaries. There are several ranch-style properties nearby.

**B. *Zoning Classification.***

Figure 2, below, displays the existing zoning classifications for the subject property in relation to the existing zoning classifications of the surrounding properties. The subject property's North, West, and South—within the existing Hamblen, H.A. subdivision—are zoned for residential uses. That said, the subject property itself has been vacated from this subdivision since 2004. Outside of this subdivision, the subject site's East, along S Magnolia Avenue, is primarily zoned for agricultural uses. A single agriculturally-zoned property is located to the southwest of the subject property (PID 36148-003-00).

There is one (1) property (PID 36105-000-00) directly to the North zoned for Neighborhood Business (B-1), which was approved in 1987. That said, no properties are used for commercial purposes today.

**C. *FLUM Designation.***

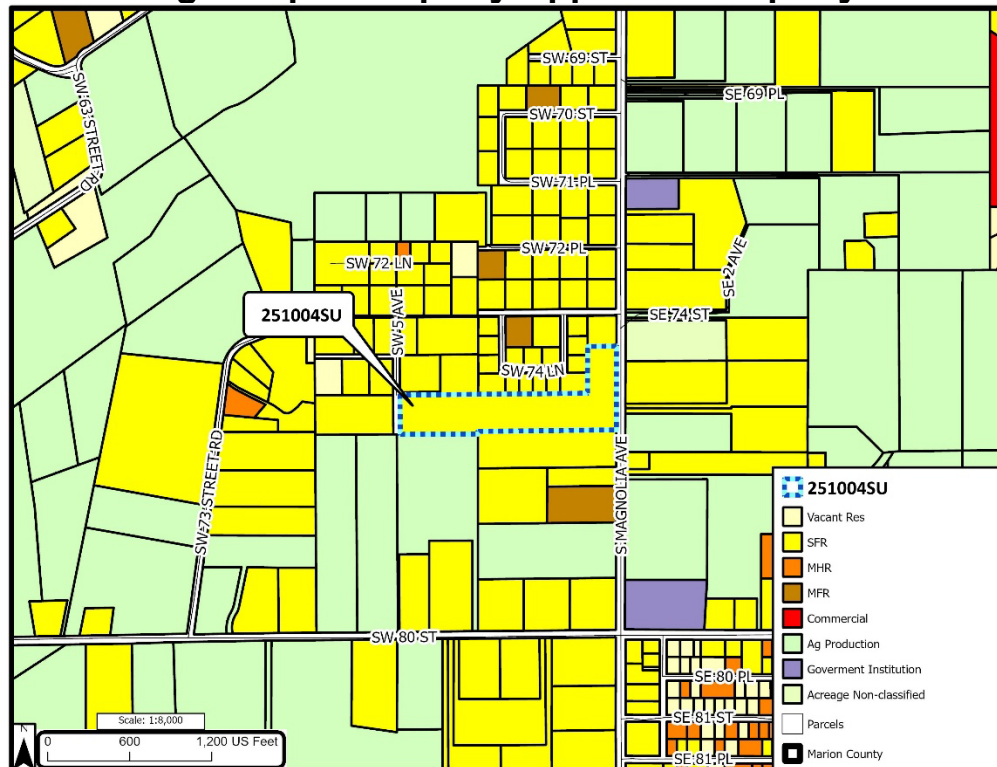
Figure 4, below, displays the existing Future Land Use (FLU) designation for the subject property in relation to the existing FLU designation of the surrounding properties. All nearby properties are designated as Rural Lands (RL), which is intended for a density up to one (1) dwelling unit per ten (10) acres.

The subject property is within the Primary Springs Protection Overlay Zone (PSPOZ) and outside the Urban Growth Boundary (UGB), as established by the Marion County Comprehensive Plan.

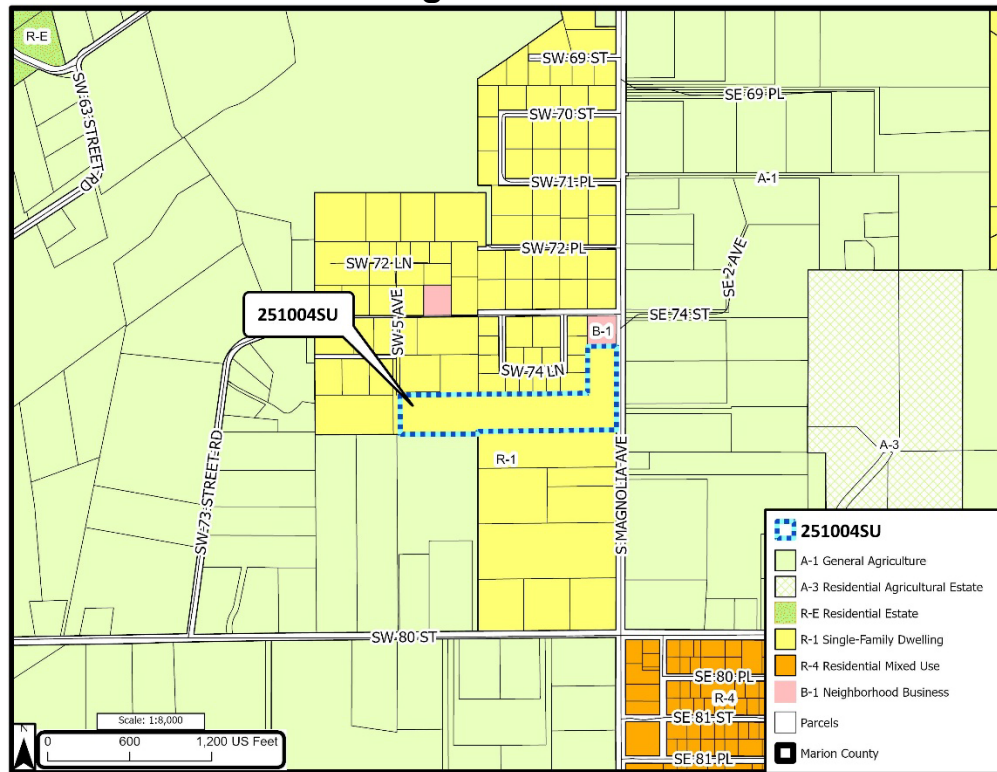
Table 1, below, assembles the information in Figures 3, 4, and 5 in tabular form. Site photos are attached to this report (see Attachment C).

TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	MCPA Existing Use
Subject Property	Rural Land (RL)	Single-Family Dwelling (R-1)	Single Family Residential
North	Rural Land (RL)	Single-Family Dwelling (R-1) & Neighborhood Business (B-1)	Single Family Residential
South	Rural Land (RL)	Single-Family Dwelling (R-1) & General Agriculture (A-1)	Single Family Residential & Ag Production
East	Right-of-Way & Rural Land (RL)	Right-of-Way & General Agriculture (A-1)	Right-of-Way, Single Family Residential, Ag Production & Vacant Residential
West	Rural Land (RL)	Single-Family Dwelling (R-1)	Single Family Residential

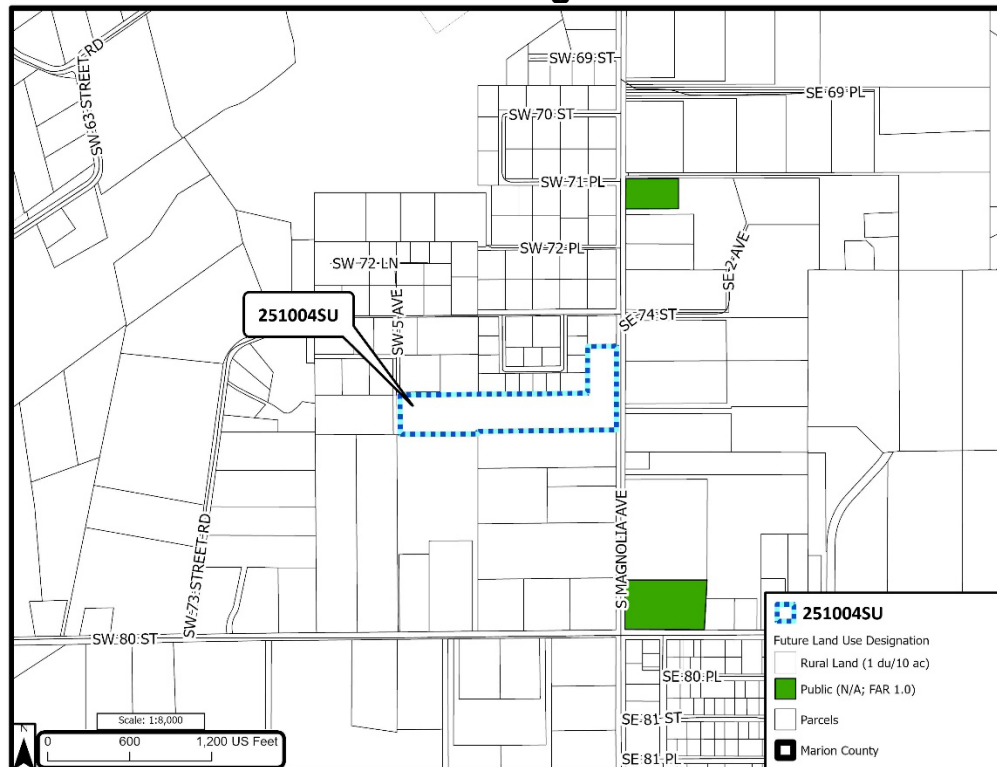
**Figure 3**  
**Existing Use per Property Appraiser Property Code**



**Figure 4**  
**Zoning Classification**



**Figure 5**  
**FLUMS Designation**



## V. ANALYSIS

LDC Section 2.8.2.D provides that in making a recommendation to the Board, the Commission shall make a written finding that granting the SUP will address nine 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 subject property currently has two (2) access points, located along S Magnolia Avenue and SW 5<sup>th</sup> Avenue. The applicant indicates that access to the residential structure(s) is provided via S Magnolia Avenue.

That said, the applicant indicates that agricultural operations (transportation of farm animals, crops, etc.) will require vehicle access primarily from SW 5<sup>th</sup> Avenue. Since no sales activity will occur within the subject property—with all agricultural products to be sold off-site—limited trip generation is expected from the proposed use. Staff nonetheless acknowledges the potential for commercial vehicle traffic (for manure removal, etc.) along SW 5<sup>th</sup> Avenue, which is a privately-maintained local subdivision road. In order to eliminate all traffic from SW 5<sup>th</sup> Avenue, the applicant requests an additional driveway along S Magnolia Avenue; however, the Office of the County Engineer (OCE) has indicated that access along S Magnolia Avenue must be limited to a single driveway.

Therefore, Staff recommends the following condition to mitigate ingress and egress concerns, with Figure 6 (below) providing a concept plan with the location of a proposed driveway bifurcation from SW 5<sup>th</sup> Avenue:

- *No commercial sales shall occur within the subject property, nor shall any advertising be permitted within the subject property boundary.*
- *Ingress/egress for all activity related to manure and/or sales shall be limited to S Magnolia Avenue. Access from S Magnolia Avenue shall be limited to a single apron.\**

*\*The applicant requests ingress and egress for all agricultural activity from SW 5<sup>th</sup> Avenue.*

- 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 applicant indicates that no on-site sales activity will occur within the subject property. Therefore, no additional parking will be required. Based on the



proposed activity, Staff concludes that the application **is consistent** with LDC provisions for off-street parking and loading.

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

**Analysis:** The applicant currently proposes an on-site manure storage area adjacent to an existing agriculturally zoned property to the south (PID 36148-003-00), with waste removal to be provided on a monthly basis by All In Removal.

It is recognized that manure storage areas would ordinarily produce noxious odors that can affect nearby residential properties. Although the Marion County Land Development Code (LDC) does not contain specific standards for manure storage in residential zoning, the LDC does prohibit outdoor storage of manure within 100 feet of all property lines in *agriculturally zoned* properties. For reference, the submitted concept plan proposes to store manure within an enclosed receptacle, which is indicated to be approximately 100 feet from any existing residential property.

Therefore, Staff recommends the following condition to mitigate refuse and service area concerns, similar to LDC provisions on manure storage areas in agriculturally zoned properties:

- *The Manure Storage Area shall, at the very least, be contained within a fully-enclosed receptacle ~~at least twenty-five (25) feet from the subject property boundary~~ 100 feet from all residential properties. The receptacle shall face toward the interior of the subject property.*\*\*

*\*\*Condition was updated following the Planning & Zoning (P&Z) Commission hearing after discussions with the applicant.*

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

**Analysis:** The subject property is currently served by Ocala Electric Utilities for electricity. The applicant indicates that a single enclosed pole barn will connect to the central electric grid. Solar panels will be used for all other pole barns, stalls, and storage rooms.

The subject property is outside connection distance for central potable water and wastewater service. The applicant indicates the property is currently served by well and septic system; however, in the case that a new well and septic system is requested, such systems will be required to meet County, Department of Health (DOH), and Department of Environmental Protection (DEP) standards at the time of permit review.

Staff therefore concludes that the application **is consistent** with LDC provisions for utilities.

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

**Analysis:** The Marion County Land Development Code (LDC) includes several provisions to ensure compatibility between different land uses. Although Section 6.8.6 of the Marion County LDC indicates that agricultural uses are not required to provide buffers, Staff notes that the surrounding properties are part of a pre-existing residential subdivision. No properties within this subdivision are agriculturally zoned. Buffers are therefore recommended.

The subject property has an existing “natural buffer”—consisting of heavy vegetation—along most of its boundaries. That said, Staff recognizes select gaps in vegetation along the northwest, adjacent to PID 36166-000-00.

Therefore, the following condition(s) are recommended, recognizing that the potential bifurcation of the existing driveway may necessitate the clearing of trees and that an existing fence may be located within the SW 5<sup>th</sup> Avenue Right-of-Way (ROW):

- *A 20-foot landscaping buffer shall be installed along PID 36166-000-00 to the northwest of the subject property. The buffer shall consist of hedges and a four-foot decorative fence. The hedges shall reach a minimum height of six (6) feet within two (2) years. The existing wooden fence on the subject property may be used in lieu of a new fence.\*\*\**
  - *To the greatest extent possible, existing trees within twenty (20) feet of the subject property boundary shall be preserved to provide a “natural buffer” between the subject property and adjacent properties. Only trees within ten (10) feet of the subject property boundary shall be preserved when adjacent to the proposed driveway bifurcation.*
- *All fences shall be located along or within the subject property boundary.*

*\*\*\*The applicant requests a deviation from the recommended landscaped buffer along PID 36166-000-00.*

*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:** No signage currently exists, nor is one proposed, within the subject property. Additional lighting is not proposed, but if it is found that lighting needs to be added, a photometric plan will be provided in accordance with the Marion County LDC. Staff therefore concludes that the application **is consistent** with LDC provisions for signs and exterior lighting.

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

**Analysis:** The applicant indicates between two (2) and three (3) acres of pasture area. Staff therefore concludes that the application **is consistent** with LDC provisions for green space.

*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, above, is a general location aerial displaying existing and surrounding site conditions. Figure 3 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

The surrounding properties are characterized predominantly by low density development, including residential and agricultural uses. Staff notes that the subject property's North, West, and South—within the existing Hamblen, H.A. subdivision—have a zoning classification of Single-Family Dwelling (R-1).

Staff notes that accessory structures in existing agriculturally zoned properties will generally be required to meet greater setback requirements than residentially zoned properties (such as the subject property). Therefore, the following condition(s) are recommended to further mitigate compatibility concerns:

- *The site shall be developed and operated consistent with the concept plan.*
- *The Special Use Permit shall run with the property owner, Kevin and Barbara Marovich.*
- *All ~~agricultural~~ **Accessory** structures shall meet twenty-five (25) feet setbacks from residentially-zoned properties. ~~Accessory structures may use eight (8) foot setbacks from agriculturally-zoned properties.~~<sup>†</sup>*
  - *~~A dwelling unit for an agricultural employee shall be permitted in lieu of a family cottage/guest cottage. The unit shall meet Florida Building Code (FBC) as required for all residential structures in Single-Family Dwelling (R-1) zoning.~~<sup>††</sup>*
  - *Beehives and other structures for the purpose of beekeeping shall meet twenty-five (25) feet setbacks from all properties.*
- *The Special Use Permit shall expire on October 21, 2028; however, it may be renewed administratively three times for three years each by written instrument signed and issued by the Growth Services Director (or designee), unless:*

- *There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit;*
- *Neighboring property owners within 300 feet 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; and/or*
- *The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or equivalent review process at the time).*

*<sup>†</sup>Condition was amended following the first BCC hearing to clarify/specify agricultural structures only. All other accessory structures would be required to meet R-1 standards.*

*<sup>††</sup>Condition was amended following the Planning & Zoning (P&Z) Commission hearing to ensure consistency with the Marion County Land Development Code (LDC). The applicant originally proposed one (1) agricultural employee unit. Although LDC Sec. 4.2.9 on R-1 zoning allows a guest cottage in addition to a primary residential structure as an exemption to density requirements, Staff notes that agricultural employee units should be included in density calculations. The subject property is 11.78 acre in size and has a Rural Lands (RL) designation, which allows a maximum density of one (1) dwelling unit per ten (10) acres.*

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

**Analysis:** Although within FEMA Flood Zone X, Staff notes the subject property, along with several properties in the existing Hamblen H.A. subdivision, are located within an existing *Flood Prone Area* as defined by Marion County. Per Marion County Property Appraiser (MCPA), the subject property currently has 16,759 square feet of impervious surfaces. Thus, upon any further development—including the construction of the proposed driveway bifurcation—the subject property would be subject to the Major Site Plan review process, whereby all new impervious surfaces are evaluated according to County stormwater management standards.

- *A Major Site Plan, or a Stormwater Compliance waiver consistent with Section 2.10 of the Marion County Land Development Code (LDC), shall be required at the time of development. <sup>†††</sup>*

*<sup>†††</sup>Condition was added following the publication of the initial Staff report and prior to the Planning & Zoning (P&Z) Commission hearing.*

LDC Section 4.2.6.D only explicitly allows up to six (6) chickens in residentially zoned properties by right. The Special Use Permit (SUP) process can be used to

request a greater number of chickens than otherwise permitted by right. Consistent with LDC Section 4.2.6.D, this application does not include a request for roosters, turkeys, or peacocks. The applicant has indicated that the existing rooster previously reported by members of the public has been rehomed.

The Marion County Land Development Code (LDC) also does not specify the minimum size for chicken coops and/or fenced pen areas. The applicant initially proposed up to forty (40) chickens within a 800 square-foot chicken coop adjacent to an agriculturally-zoned property south of the subject property (PID 36148-003-00). Staff therefore recommends the following condition(s), consistent with LDC standards on the keeping of chickens:

- *Up to forty (40) chickens shall be permitted within an 800 square-foot chicken coop. Chickens shall be contained within a fully enclosed chicken coop and/or fenced pen area at all times, subject to the following conditions:*
  - *The coop and fenced pen area shall be setback twenty (20) feet from any adjacent residential unit.*
  - *The coop and pen area shall be kept in a clean sanitary manner, free of insects and rodents, offensive odors, excessive noise, or any other condition that may constitute a nuisance.*
  - *Stored feed shall be secured in metal containers to prevent mice and other pests.*
  - *No routine slaughtering of the hens shall be allowed on the subject site.*

Furthermore, although there are no County standards for farm animals generally, LDC Section 4.2.6.F does provides standards on keeping *horses* on residentially zoned properties. Staff notes that LDC Sec. 4.2.2.C *does* provide standards on keeping farm animals, including cattle, horses, sheep, and goats, on smaller agriculturally-zoned properties. In either case, the minimum pasture area shall be 9,000 square feet for the first animal, and 6,000 square feet for each additional animal. Up to four (4) large farm animals shall be allowed per acre. On a 11.78-acre property, up to forty-seven (47) animals would be allowed by the Marion County Land Development Code (LDC). The applicant initially proposed twenty (20) farm animals—limited to miniature cows, miniature goats, sheep, and horses. Only four (4) horses are proposed by the applicant. This application does not include a request for pigs.

Per LDC requirements, at least 123,000 square feet, or 2.82 acres, of pasture area would be required for the twenty (20) animals proposed by the applicant. The applicant proposes between two (2) and three (3) acres of pasture area. In any case, Staff does note that both the applicant-proposed and LDC-required amount of pasture area may not accomodate the proposed number of farm animals. Thus, although the applicant does intend to supplement feed with hay, the following condition(s) are recommended, based on a site visit with Marion County Sheriff's Office Agricultural Unit staff:



- *Up to three (3) horses or miniature cows, OR up to six (6) sheep or goats, shall be permitted on at least two (2) acres of pasture area, with feed to be supplemented by hay. ‡*

‡Applicant requests additional animals (see Attachment A). The applicant is set to discuss with planning and MCSO staff prior to the second BCC hearing.

*J. Consistency with the Comprehensive Plan.*

1. **FLUE Policy 2.1.5** on Permitted and Special Use provides, “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 4.2.6.F provides standards on keeping horses on residentially zoned properties, including minimum pasture area. LDC Sec. 4.2.6.D provides standards for the keeping of chickens, including setbacks for chicken coops and fenced pen areas.

Staff notes that the Special Use Permit (SUP) process can be used to request uses not specifically listed by code, based on their similarities with listed uses. Staff notes that LDC Section 4.2.9 on the Single-Family Dwelling (R-1) Classification explicitly lists several agricultural and agriculture-adjacent uses by right and by Special Use Permit, including community or personal use gardens, horses or cattle for personal use, and wholesale plant nurseries. Alongside chickens and other farm animals, the applicant proposes uses such as beekeeping and crop production/sales—permitted by right in agriculturally zoned properties.

This application **is thus consistent** with FLUE Policy 2.1.5, provided that all previously-listed conditions are met.

2. **Policy 2.1.16** on Rural Land (RL) provides, “This land use designation is intended to be used primarily for agricultural uses, associated housing related to farms and agricultural-related commercial and industrial uses.”

**Analysis:** The subject site is designated as Rural Land (RL) and proposes to use the land for beekeeping operations, farm animals, the production and sale of crops, and any associated accessory structures. This aligns with the definition of Agricultural Use in Policy 2.1.14. This use thus aligns with the intent of the Rural Land use and **is consistent** with Policy 2.1.16.

3. **FLUE 3.1.4** on Rural Area outside the UGB provides, “The lands outside of the UGB shall generally be referred to as the Rural Area and development in this area shall be guided by the following principles and as further defined in the LDC:

- (1) Protect the existing rural and equestrian character of the area and acknowledge that a certain portion of the County's population will desire to live in a rural setting.
- (2) Promote and foster the continued operation of agricultural activities, farms, and other related uses that generate employment opportunities in the Rural Area.
- (3) Establish a framework for appropriate future opportunities and development options including standards that address the timing of future development.
- (4) Create a focused strategy for the regulation of mining and resource extraction activity.
- (5) Allow for new Rural Land and Rural Activity Center Future Land Use designations with a Comprehensive Plan Amendment (CPA), as further allowed in this Plan and as further defined in the LDC."

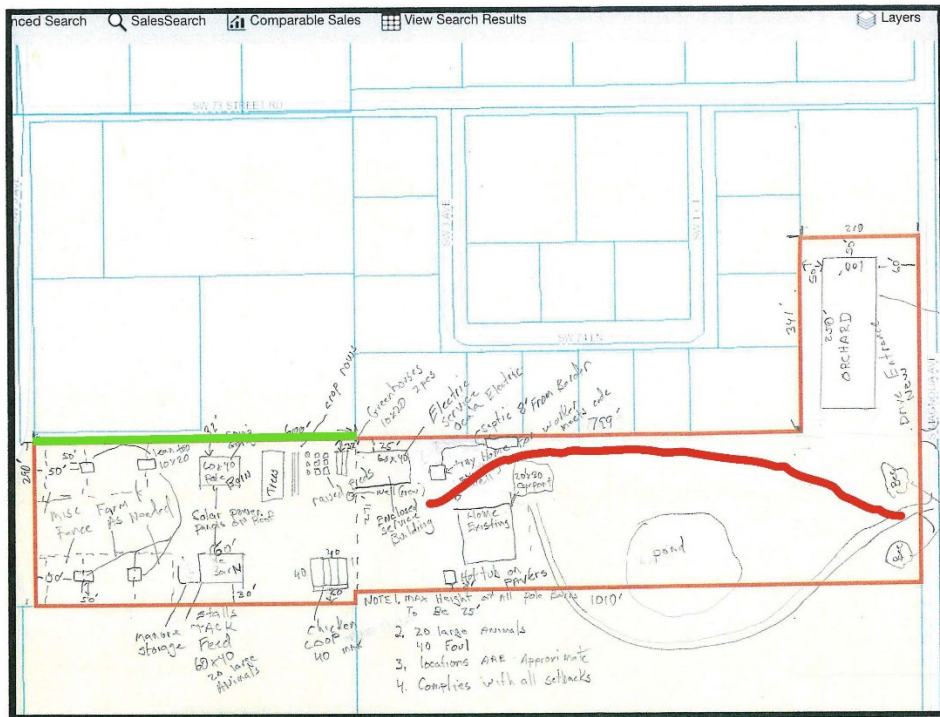
**Analysis:** The applicant is requesting to allow certain rural agricultural uses, with the applicant proposing to use the land specifically for beekeeping operations, farm animals, and the production and sale of crops. This is both consistent with the site's Rural Lands (RL) designation and consistent with Comprehensive Plan intentions for Rural Areas outside of the Urban Growth Boundary. Therefore, the proposed special use meets the criteria above and **is consistent** with FLUE Policy 3.1.4.

Staff concludes the SUP **is consistent** with LDC Sections 2.8.2.D and 2.8.3.B. The conditions in Section VII of this report are recommended to further address compliance. Figure 6 provides a concept plan with the location of a proposed driveway bifurcation (in Red) and landscaped buffer (in Green).

## VI. ALTERNATIVE ACTIONS

- 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 **DENY** the Special Use Permit.
- B. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt 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, make a recommendation 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.

### Figure 6



## VII. STAFF RECOMMENDATION

Staff recommends the Planning & Zoning (P&Z) Commission 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 **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.

To address compliance with LDC Sections 2.8.2.D and 2.8.3.B, the conditions below are recommended in the event that the Board chooses to agree with staff recommendation and approve the requested special use. The applicant proposes changes to Staff conditions related to the number of farm animals, access, and buffering.

1. *The site shall be developed and operated consistent with the concept plan.*
2. *A Major Site Plan, or a Stormwater Compliance waiver consistent with Section 2.10 of the Marion County Land Development Code (LDC), shall be required at the time of development. †††*
3. *The Special Use Permit shall run with the property owner, Kevin and Barbara Marovich.*

4. *No commercial sales shall occur within the subject property, nor shall any advertising be permitted within the subject property boundary.*
5. *Ingress/egress for all activity related to manure and/or sales shall be limited to S Magnolia Avenue. Access from S Magnolia Avenue shall be limited to a single apron.\**
6. *The Manure Storage Area shall, at the very least, be contained within a fully-enclosed receptacle at least 100 feet from all residential properties. The receptacle shall face toward the interior of the subject property.\*\**
7. *A 20-foot landscaping buffer shall be installed along PID 36166-000-00. The buffer shall consist of hedges and a four-foot decorative fence. The hedges shall reach a minimum height of six (6) feet within two (2) years. The existing wooden fence on the subject property may be used in lieu of a new fence.\*\*\**
  - a. *To the greatest extent possible, existing trees within twenty (20) feet of the subject property boundary shall be preserved to provide a “natural buffer” between the subject property and adjacent properties. Only trees within ten (10) feet of the subject property boundary shall be preserved when adjacent to the proposed driveway bifurcation.*
8. *All fences shall be located along or within the subject property boundary.*
9. *All agricultural structures shall meet twenty-five (25) feet setbacks from residentially-zoned properties.†/††*
  - a. *Beehives and other structures Beehives and other structures for the purpose of beekeeping shall meet twenty-five (25) feet setbacks from all properties.*
10. *Up to forty (40) chickens shall be permitted within an 800 square-foot chicken coop. Chickens shall be contained within a fully enclosed chicken coop and/or fenced pen area at all times, subject to the following conditions:*
  - a. *The coop and fenced pen area shall be setback twenty (20) feet from any adjacent residential unit.*
  - b. *The coop and pen area shall be kept in a clean sanitary manner, free of insects and rodents, offensive odors, excessive noise, or any other condition that may constitute a nuisance.*
  - c. *Stored feed shall be secured in metal containers to prevent mice and other pests.*
  - d. *No routine slaughtering of the hens shall be allowed on the subject site.*
11. *Up to three (3) horses or miniature cows, OR up to six (6) sheep or goats, shall be permitted on at least two (2) acres of pasture area, with feed to be supplemented by hay.‡*
12. *The Special Use Permit shall expire on October 21, 2028; however, it may be renewed administratively three times for three years each by written instrument signed and issued by the Growth Services Director (or designee), 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 feet 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; and/or*
- c. *The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or equivalent review process at the time).*

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

**APPROVAL (3-1).**

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

To be determined. [Scheduled for January 20, 2025 at 2:00 PM.](#)

## **X. LIST OF ATTACHMENTS**

- A. Application
- B. DRC Comments Letter
- C. Site Photos
- D. Vacation Resolution No. 04-R-184
- E. [MCSO Letter on Livestock](#)