MARION COUNTY GROWTH SERVICES

5/14/2021 | **P&Z: 5/24/2021 BCC: 6/15/2021**

Item Number
20210601SU
[AR# 26560]

Type of Application:
Special Use Permit (SUP)

Proposed Use:
34 Ducks and One (2) Goose

Future Land Use:
Commercial

Zoning:
B-2 (Community Business)

Parcel #/Acreage:
1168-000-007/±0.92 acres by Appraiser's Office

Location: 13015 NE 250th Court (Salt Springs Community)

Existing Use:
Manufactured home residence (2003/720 SF)

Owner: Green Stone Investments, LLC; W.B. Greene, Sr.

Applicant(s): Richard L. Smith & Therese J. Adams

Staff Recommendation:
Approval with Conditions

P&Z Recommendation:
TBD

Project Planner
Christopher Rison, Senior Planner

Code Enforcement Action: Open code case for the ducks and goose; this SUP is requested to resolve the active case. Officer initiated following similar identified case on

Item Summary

Staff is recommending **APPROVAL WITH CONDITIONS** for a Special Use Permit (SUP) Application, submitted pursuant to Section 2.8.1 of the Marion County Land Development Code (LDC), to retain 34 ducks and one goose on the B-2 (Community Business) zoned portion of a ±0.92 acre site. This application has been submitted in order to resolve Code Enforcement Case No. 844744.

Public Notice

Notice of public hearing was mailed to twenty-six (26) property owners within 300 feet of the overall subject property.

Location

The site is located at 13015 NE 250th Court in the Kerrshores Subdivision (UNR) in the Salt Springs Community, on the east side of NE 250th Court, ±300' north of NE Hwy 314. A petition signed by multiple parties has been submitted in support of the request.

Background/Request

The site's future land use is Commercial and the zoning is B-2 (Community Business). The site includes an occupied single-wide manufactured home (720 sq. ft.). The applicants are the occupants of the residence that is now under corporate ownership. The applicant's Special Use Permit Application material and Findings of Facts submitted note that the occupants have provided care and food for the ducks and now one goose residing on the property, including providing shelter, but the birds are permitted to roam and come and go as they desire. The owner notes the site is fenced and the fencing is intended to discourage the birds from accessing the street area where some were hit by vehicles in the past and to discourage gators from surrounding water bodies from coming on to the property in pursuit of the birds.

residential property elsewhere in the same subdivision.

Structure History:
Property appraiser indicates a mobile home was historically established on the site in 1969. Zoning information indicates newer mobile home replacement was authorized by Special Exception 10-88-02, and it was replaced again in 2003 (based on right to replacement - BP# 2003030092.)

Policy 2.1.22: Commercial (COM)
This land use designation is intended to provide for mixed-use development focused on retail, office, and community business opportunities to meet the daily needs of the surrounding residential areas; and allows for mixed residential development as a primary use or commercial uses with or without residential uses. The density range shall be up to eight (8) dwelling units per one (1) gross acre and a maximum Floor Area Ratio of 1.0, as further defined in the LDC. This land use designation is allowed in the Urban Area and allows for campgrounds and recreational vehicle parks (RVP).

The surrounding future land use designations, zoning, and uses are listed in the following table:

TABLE 1. ADJACENT PROPERTY CHARACTERISITICS

Direction	FLUM Designation	Zoning	Existing Use per Appraiser Property Code
N	Commercial	B-2 (Community Business)	MH Residence (2005:1,616 SF)
S	Commercial	B-2 (Community Business)	Sportsman's Lodge & Store, Cabins & Residence w/SUP for horse (180306SU/18-R-106)
E	Commercial	B-2 (Community Business)	Salt Springs Hardware
W-N	Medium Res.	R-4 (Mixed Use Residential)	MH Residence (1971:684 SF)
W-S	Commercial	B-2 (Community Business)	Bass Champions Restaurant and Cottages/Cabins w/SUP for outdoor sales (190404SU/19-R-119)

No buffering is proposed as the site will remain in its current form that includes significant trees with its continuing residential use. The Sportsman's Lodge & Store complex to the south is surrounded by its own 6-foot privacy fence. Staff notes the fence across the site's frontage is a mix of wire fencing with a ±2-foot section of privacy fencing added along the top (photos 1 & 2) for that part north of the south gate while the south section is just wire, and both gates include wire fencing mounted on the gate. A series of "pools" are provided with tarp covered "pens" along the site's south boundary (photos 5-7); the applicant verbally noted the pens are open during the day allowing the birds to come and go from the pens and site, but the applicant closes the pens in the evening which is accepted by the birds as it provides security to them.

1.

2.

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7.

In discussion with County staff, Florida Fish and Wildlife Conservation Commission (FWC) staff noted that the feeding of general waterfowl (ducks and geese) is not prohibited or regulated. Seven of the ducks are Pekin ducks (white with yellow/orange bills) that are generally flightless. The remaining are Muscovy ducks that are considered non-native, but are found in Florida due to migration, etc. and as with other animals are attracted to ready food sources. If Muscovy ducks are captive (caged/controlled and/or wings “clipped”) then they may not be released, however if they remain in an area but may freely roam and come and go as they please, they are not considered captive as is the case with this site. The applicant verbally noted as well that any eggs produced are currently discarded as no additional ducks are desired by the applicant. Staff notes the feeding, pools, and fencing/pens create a “hosting” environment that supports the continued presence of the Muscovy ducks in particular.

The applicants have indicated that each is “in recovery” and that their son is special needs, however no documentation or request for an emotional support animal accompanied this application. The applicants have indicated that initially fewer birds were present, but they multiplied as food was made available to them and continued to remain on the site.

Infrastructure
The site is an existing residence in Kerrshores and its use will not formally change under this application so no increase in traffic is expected.

TABLE 2: ROADWAY STATUS AND CONDITIONS						
			Existing Conditions			
Road	Class	Maint.	Surface	No. Lanes	R/W Width	R/W Deficiency
NE 250th Court	Subdivision Local	County	Unpaved		±40'	±20'
NE Hwy 314	Collector	County	Paved	2	±100'	±20'

The site lies in the Salt Springs Community general "urban area" outside the Urban Growth Boundary, and Marion County Utilities does not have any facilities within connection distance to the site. As such, the site receives potable water and sanitary sewer service from existing on-site facilities.

TABLE 3: UTILITY SERVICES	
Utility	*Service Area*
Water	On-site private potable water service
Sewer	On-site private sanitary sewer services

Analysis
In reaching its decision, the Commission must address the following:

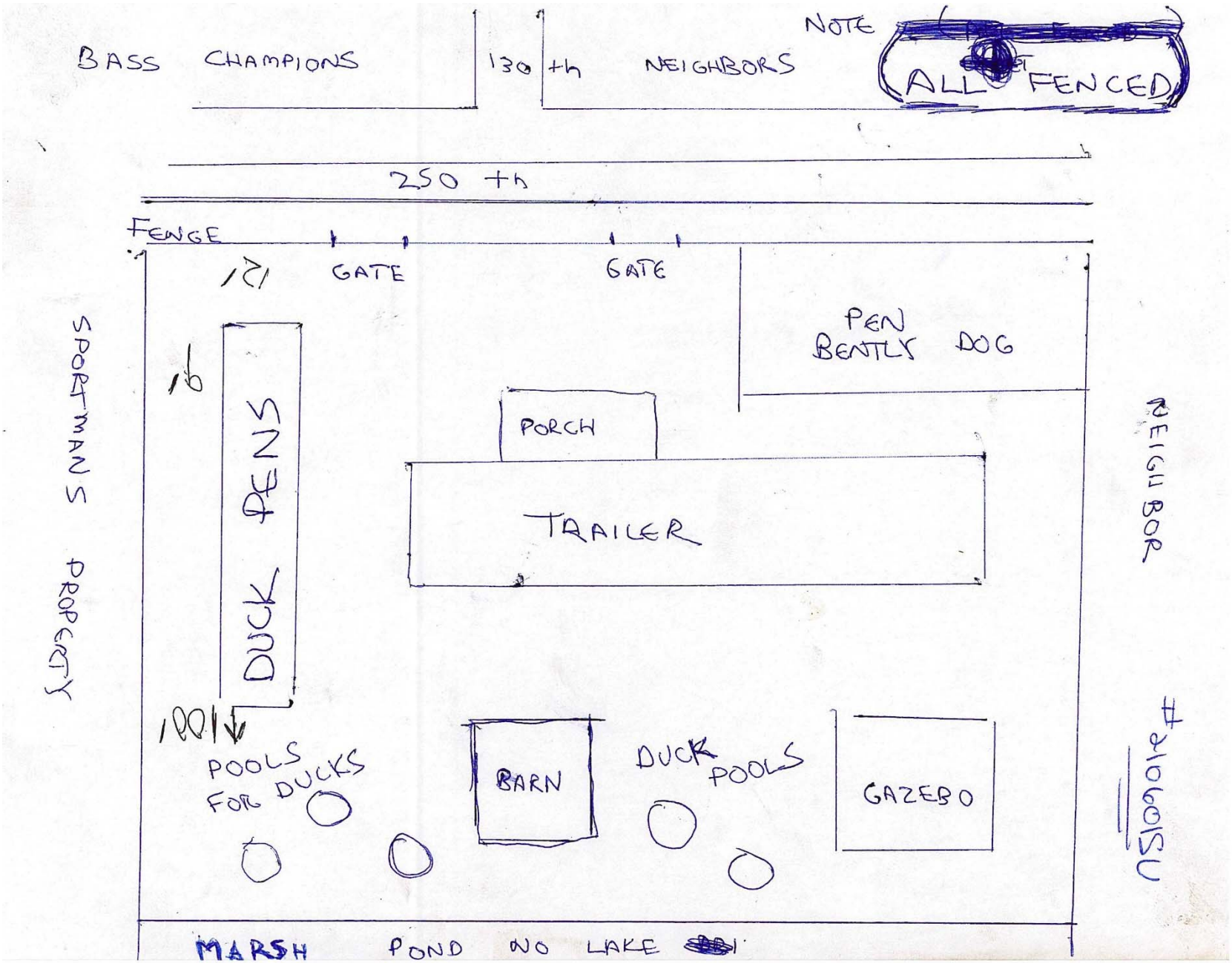
1. **Granting the proposed use will not adversely affect the public interest.** The site is a private residence that includes part of an existing waterbody shared with adjoining properties. Other water bodies surround the area which is within the overall Ocala National Forest where wildlife is readily available. The ducks/goose are totally restrained on the site, however the continuing feeding does support their remaining in place. The fencing provided discourages the ducks/goose from accessing the adjoining roadway and other animals from seeking out the ducks/goose. As such, the site will generally remain in its current state, and t*he proposed use, as recommended, will not adversely affect the public interest.*

2. **The proposed Special Use Permit is consistent with the current Comprehensive Plan.** The FLU Map 1: Marion County 2035 Future Land Use Map of the Comprehensive Plan designates the site as Commercial, however the existing residence is eligible to remain in place and continue to be occupied. *The proposed use, as recommended, is consistent with the Comprehensive Plan*.

3. **The proposed use is compatible with land uses in the surrounding area.** The existing site fencing and "pens" currently accommodate the existing birds requested for keeping. Staff recommends that no increases in "pens" be authorized and no further improvements to "enclose, capture, or cage" the birds be provided. The birds shall continue to be readily able to arrive and depart from the property over the existing fencing that may remain in place for the prior reasons noted. T*he proposed use, as recommended, will be compatible with the surrounding area.*

Staff Recommendation: APPROVAL WITH CONDITIONS:

1. The keeping and/or accommodating a maximum of fifteen (15) ducks and one (1) goose shall be conducted consistent with the applicant's Special Use Permit (SUP) Application, the plans referenced herein, and the conditions as provided in this SUP.
2. The site access gates shall be maintained at their current height and not increased in height to match the existing fencing running along NE 250th Court.
3. The fencing along NE 250th Court may remain in its current form (wire below, privacy fencing above) and shall not be increased in height or converted in to full privacy fencing.
4. No additional bird pens or covered shelters for birds shall be provided on site other than those indicated on the concept plan (and reflected in the accompanying site photos).
5. This Special Use Permit shall run with the tenants (Richard L. Smith and Therese J. Adams) who shall reside on the site and not the property and/or property owner. In the event one of the tenants no longer resides on-site, the Special Use Permit may then be held by the remaining tenant residing on the site. Upon both tenants no longer residing on site, the Special Use Permit shall terminate.
6. This Special Use Permit shall expire on June 15, 2024 (three years); however, it may be renewed administratively by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), for a period of up to five (5) years a total of four times for a cumulative total of 20 additional years, 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 Services Director 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).

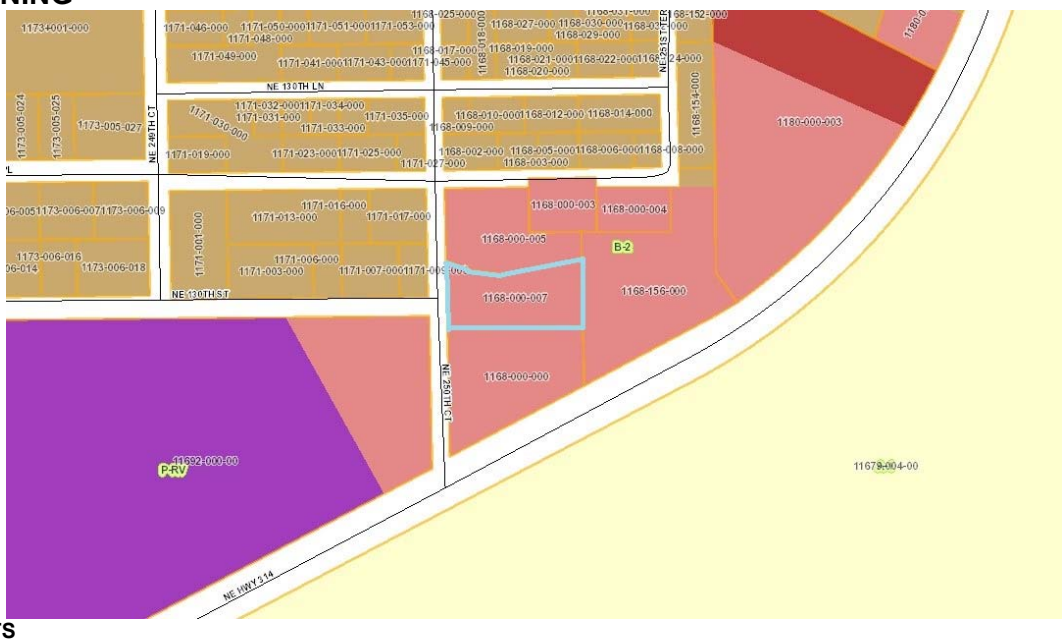

BASS CHAMPIONS
130 th
NEIGHBORS
NOTE
ALL FENCED
250 th
FENCE
GATE
GATE
121
PEN
BENTLY DOG
16
PORCH
TRAILER
DUCK PENS
SPORTMANS PROPERTY
NEIGHBOR
#21060ISU
180
POOLS
FOR DUCKS
BARN
DUCK
POOLS
GAZEBO
MARSH
POND
NO LAKE

EXISTING FUTURE LAND USE DESIGNATION

LEGEND

- RL - Rural Land (1 du/10 ac)
- LR - Low Residential (0-1 du/ac)
- MR - Medium Residential (1-4 du/ac)
- HR - High Residential (4-8 du/ac)
- UR - Urban Residential (8-16 du/ac)
- RAC - Rural Activity Center 0-2 du/ac; FAR 0.35)
- COM - Commercial (0-6 du/ac; FAR 1.0)
- EC - Employment Center (0-12 du/ac; FAR 2.0)
- CD - Commerce District (N/A; FAR 2.0)
- P - Public (N/A; FAR 1.0)
- PR - Preservation (N/A; N/A)
- M - Municipality

EXISTING ZONING



ZONING DISTRICTS

- A-1 General Agriculture
- A-2 Improved Agriculture
- A-3 Residential Agricultural Estate
- RR-1 Rural Residential
- R-E Residential Estate
- R-1 Single-Family Dwelling
- R-2 One-and Two-Famiy Dwelling
- R-3 Multiple Family Dwelling
- R-4 Residential Mixed Use
- MH Manufactured Housing
- P-MH Mobile Home Park
- P-RV Recreational Vehicle Park
- RR Recreational Resort
- RAC Rural Activity Center
- R-O Residential Office
- B-1 Neighborhood Business
- B-2 Community Business
- B-3 Specialty Business
- B-4 Regional Business
- B-5 Heavy Business
- RC-1 Rural Commercial
- RI Rural Industrial
- M-1 Light Industrial
- M-2 Heavy Industrial
- I-C Industrial Complex
- G-U Government Use
- R-PUD Residential Planned Unit Development
- PUD Planned Unit Development

EXISTING PROPERTY USES PER MCPA PROPERTY CODE

Vacant Res	MFR	Commercial	RuralBldgSite	Private Institutional	Utility	Water/submerged
SFR	Group Living Qrtrs	Vacant Industrial	Ag Production	Goverment Institution	R/W	Mining
MHR	Vacant Com	Industrial	Vacant Institutional	Military	Recreation/Park/Forest	Sewage/Waste/Barrow
						Acreage Non-classified

EXPANDED AERIALS

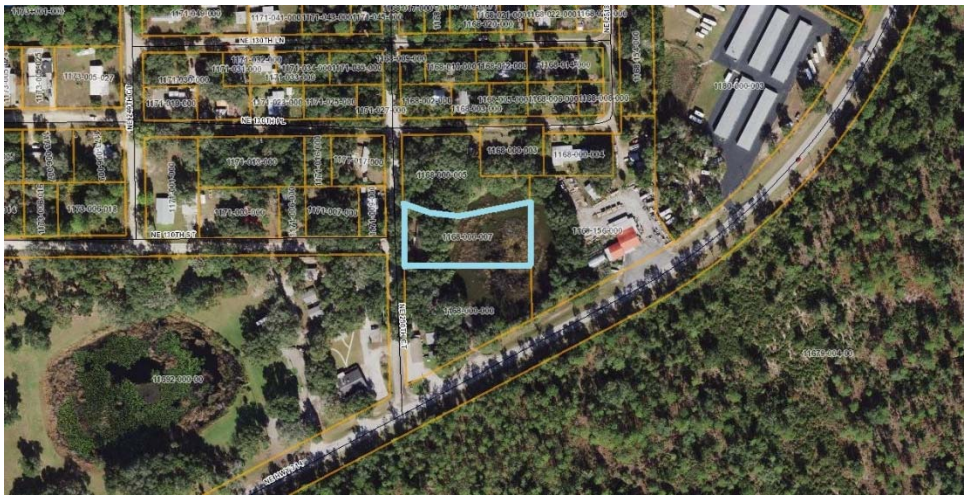


TABLE A: CURRENT MARION COUNTY LAND DEVELOPMENT CODE BUFFER REQUIREMENTS (PROVIDED FOR REFERENCE)								
		EXISTING USE or PERMITTED USE BY ZONING						
		AG	SFR	MF	COM	IND	PUB	ROW
PROPOSED USE	AG	-	-	-	-	-	-	-
	SFR	E	-	C	A	B	C	C
	MF	E	A	-	A	B	C	C
	COM	D	B	B	-	B	C	C
	IND	B	B	B	B	-	B	D
	PUB	E	B	C	C	C	-	C

TABLE B: CURRENT MARION COUNTY LAND DEVELOPMENT CODE BUFFER STANDARDS (PROVIDED FOR REFERENCE)								
TYPE	Minimum Width (FT)	Wall (Fence)	Shade Trees*	Accent-Ornament Trees*	Shrubs Required*	Ground-cover Required	Shrubs & Ground-cover (min %)**	Turfgrass
A	30	N	3	5	Y	Y	50	Y
B	20	Y	2	3	Y	Y	50	Y
C	15	N	2	3	Y	Y	50	Y
D	15	Y	2	3	Y	Y	25	Y
E	5	N	4	0	Y***	Prohibited	n/a	Prohibited

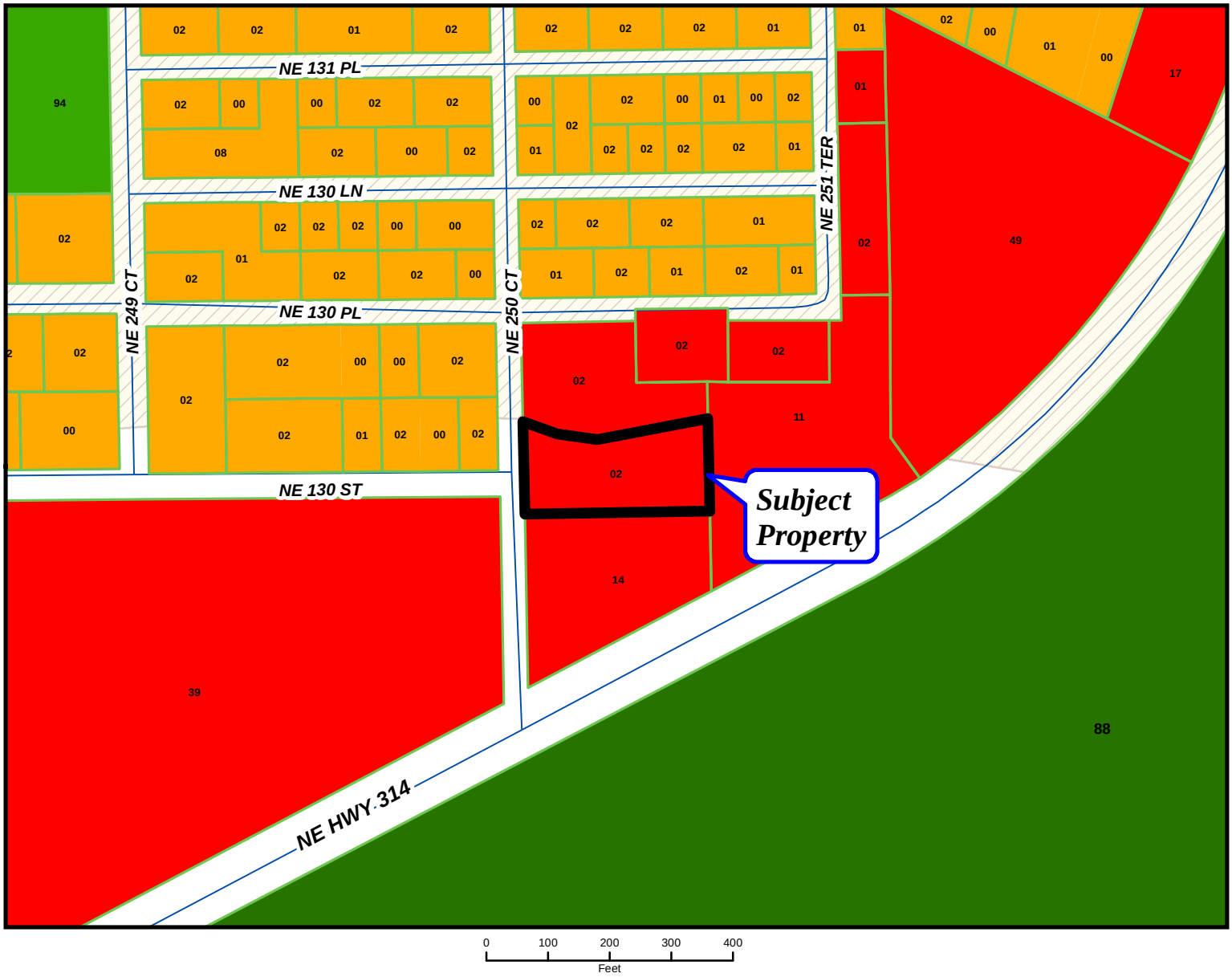
*Plantings are per 100 Linear Feet.
Buffers including walls require placing the landscaping on the "public view" or exterior side of the wall [LDC Section 6.8.6.L(1)(c)].
** To achieve a minimum 3' in height within one year.
***Type E Buffer requires continuous double-staggered hedgerow and prohibits groundcover and turfgrass within the buffer.
Buffers including walls require placing the landscaping on the "public view" or exterior side of the wall [LDC Section 6.8.6.L(1)(c)].

Aerial: 210601SU

N

0 75 150 225 300
Feet

Existing Land Use Designation 210601SU



Use per MC Property Appraiser	
01	Single Family Res
50-69/99	Agricultural
00/10/40/70	Vacant
71	Church
02	Mobile Home
06-07/11-39	Commercial
41-49	Industrial
83-98	Public
82	Recreation
03-05/08	Multi-Family
77	Club/Lodge/Union Hall

OWNER: **Greens Stone Investments, LLC - William B. Greene, Sr.**

AGENT: **Richard Smith and Therese Adams**

PARCEL(S): **1168-000-007**

All provided GIS data is to be considered a generalized spatial representation, which is subject to revisions. The feature boundaries are not to be used to establish legal boundaries. For specific visual information, contact the appropriate county department or agency. The information is provided visual representation only and is not intended to be used as legal or official representation of legal boundaries.

N

Legend

- All Amendments
- **Policy 1.20** ☆
- Rural Land (1 du/10 ac)
- Low Residential (0 - 1 du/ac)
- Medium Residential (1 - 4 du/ac)
- High Residential (4 - 8 du/ac)
- Farmland Preservation Area
- Urban Residential (8 - 16 du/ac)
- Rural Activity Center (0 - 2 du/ac; FAR 0.35)
- Rural Community (0 - 3 du/ac; FAR 0.70)
- Commercial (0 - 6 du/ac; FAR 1.0)
- Environmentally Sensitive Overlay Zone (ESOZ)
- Employment Center (0 - 12 du/ac; FAR 2.0)
- Commerce District (N/A; FAR 2.0)
- Public (N/A; FAR 1.0)
- Preservation (N/A; N/A)
- Municipality

#210601SU
AR# 26560
PA#: 1168-000-007

Marion County
Board of County Commissioners

Growth Services
2710 E. Silver Springs Blvd. Ocala, FL 34470
Phone: 352-438-2600 Fax: 352-438-2601

SPECIAL USE PERMIT APPLICATION - REGULAR - $1,000.00

The undersigned hereby requests a Special Use Permit in accordance with Marion County Land Development Code, Articles 2 and 4, for the purpose of: TO HAVE 34 DUCKS AND ONE GOOSE.

Legal Description: (Please attach a copy of the deed and location map.) **Parcel Zoning:** B-2

Parcel account number(s): 1168-000-007

Property dimensions: _____ **Total acreage:** 1.02 .92 per P.A.

Directions: COMING IN FROM OCALA JUST BEFORE SPORTSMAN LODGE TURN LEFT 250th CT 1ST TRAILER ON RIGHT

Each property owner(s) MUST sign this application or provide written authorization naming an applicant or agent to act on his behalf. **Please print all information, except for the Owner and Applicant/Agent *signature*.**

owner info see Next page	RICHARD L. SMITH THERESA J. ADAMS
Property Owner name (please print)	**Applicant or agent name (please print)**
Greene Stone Investments, LLC	13015 NE 250th CT (Situs:)
Mailing Address c/o: Wm. B. Greene, Sr. PO Box 188	**Mailing Address** SALT SPRINGS, FLORIDA 32134
City, State, Zip code Ft. McCoy, Fl 32134	**City, State, Zip code**
Phone number (include area code) 352-843-8811	864-276-8963 520-848-9763 **Phone number (include area code)** smithrichard457@gmail.com TJAS2485@gmail.com
E-mail address wbg188@yahoo.com	**E-mail address**
Signature	R L Smith - Theresa Adams ***Signature***

PLEASE NOTE: A representative is strongly encouraged to attend the public hearings when this application will be discussed. If no representative is present, the request may be postponed or **denied**. Hearing notices will be mailed to the address(es) listed above. All information submitted must be correct and legible to process the Application. Contact Growth Services Planning & Zoning at (352) 438-2675 for more information.

STAFF/OFFICE USE ONLY				
Project No.: 2003030003	Code Case No.: 844744-LH2		Application No.: 26560	
Rcvd by: BJM	Rcvd Date: 4 / 6 / 21	FLUM: COM	Zoning Map No.: 392	Rev: 07/1/2019

Sec. 24-13-25

Marion County
Board of County Commissioners

Growth Services
2710 E. Silver Springs
Blvd. Ocala, FL 34470
Phone: 352-438-2600 Fax:
352-438-2601

#2106015U

SPECIAL USE PERMIT APPLICATION - REGULAR - $1,000.00

The undersigned hereby requests a Special Use Permit in accordance with Marion County Land Development Code, Articles 2 and 4, for the purpose of: _____

Legal Description: (Please attach a copy of the deed and location map.) **Parcel Zoning:** _____

Parcel account number(s): _____

Property dimensions: _____ **Total acreage:** _____

Directions: _____

OWNER'S INFO

Each property owner(s) MUST sign this application or provide written authorization naming an applicant or agent to act on his behalf. **Please print all information, except for the Owner and Applicant/Agent *signature*.**

GREENE STONE INVESTMENTS LLC / William B. Greene, Sr	
Property Owner name (please print)	**Applicant or agent name (please print)**
P.O. Box 188	P.O. Box 188
Mailing Address	**Mailing Address**
Fort McCoy, FL 32134	Fort McCoy, FL 32134
City, State, Zip code	**City, State, Zip code**
	352-843-8811
Phone number (include area code)	**Phone number (include area code)**
352-843-8811	wbg188@yahoo.com
E-mail address	**E-mail address**
wbg188@yahoo.com	
Signature	*Signature*

PLEASE NOTE: A representative is strongly encouraged to attend the public hearings when this application will be discussed. If no representative is present, the request may be postponed or **denied**. Hearing notices will be mailed to the address(es) listed above. All information submitted must be correct and legible to process the Application. Contact Growth Services Planning & Zoning at (352) 438-2675 for more information.

STAFF/OFFICE USE ONLY				
Project No.:		*Code Case No.:*	*Application No.:*	
Rcvd by:	*Rcvd Date:* / /	*FLUM:*	*Zoning Map No.:*	*Rev: 07/1/2019*

#21@60/SU

1) ACCESS TO MY PROPERTY IS OFF HWY 314 TO 250th CT. IT IS A 2 LANE DIRT RD. IT IS MAINTAINED BY THE COUNTY REGULARLY. PLENTY OF ROOM IN FRONT FOR UNLOADING.

2) THERE IS PLENTY OF ROOM TO PARK IN FRONT OF BUILDING. THERE IS 2 GATES FOR HANDICAPP FOR EASY ACCESS.

3) I KEEP TRASH OUT BACK OUT OF SITE TO PUBLIC. I TAKE TRASH TO DISPOSAL SITE 5 TIMES A WEEK

4) CLAY ELECTRIC IS OUR POWER COMPANY AND OUR WELL & SEPTIC ARE UP TO CODE

5) FRONT BACK NATURALLY LANDSCAPED UP TO CODE PROPERY IS FENCED ALL THE WAY AROUND. ALL IS UP TO CODE.

6) THERE ARE SIGNS IN FRONT OF PROPERTY UP TO CODE. STREET LIGHTS LIGHT UP PROPERTY. MOTION LIGHTS ARE ON TRAILER AND BARN AND ALL ARE UP TO CODE.

7) AS WELL AS SETBACKS WILL BE IN COMPLIANCE WITH LOCAL CODES AND ORDINANCES.

8) THERE IS A RESIDENCE IN FRONT THERE IS A RESIDENCE ON ONE SIDE THE SPORTSMAN IS ON THE OTHER SIDE OF PROPERTY TOWARDS HWY 314. A POND IS ON BACK SIDE OF PROPERTY THERE ARE NO TRAFFIC LIGHTS AROUND. OUR BUILDINGS WERE EXISTING.

9) YES I WOULD BE WILLING TO MEET ANY SPECIAL [redacted] CONDITIONS NECESSARY TO GET THIS SPECIAL PERMIT.

I

WE ARE APPYING FOR A SPECIAL PERMIT FOR OUR 34 DUCKS AND 1 GOOSE.

WE MOVED HERE 2 YEARS AGO. WE HAVE 1.02 ACRES OF LAND WHICH IS MORE THAN ENOUGH LAND TO ACCOMADATE THEM 30 TO 50 DUCKS ARE ALLOWED PER ACRE.

WE ZONED B-2 BUSINESS. WE DID NOT KNOW YOU NEED A SPECIAL PERMIT. IF SO WE WOULD HAVE GOTTEN IT.

THEY USED TO ROAM FREE. 4 HUNG AROUND SO WE STARTED FEEDING THEM. 20 TO 30 DUCKS 2 GEESE AT VICKIS. PROPERTY SPORTSMAN LODGE

3 LAID EGG THEY HATCHED 26 OF THEM COOL TO WATCH (PICTURES INSIDE) 2 YEARS AGO

AFTER THEY HATCHED WE FENCED YARD. WE FENCED IT BECAUSE OF GATORS IN POND [redacted] WE HAVE OTHER ANIMALS. ITS SAFER.

WE RESCUED MR. GOOSE AFTER HIS MATE GOT EATEN BY PITT BULL. DUCKS HAD BEEN RUN OVER BY TRAFFIC OR PREDATORS.

THAT LEFT 6 DUCKS 1 GOOSE.

II

IN GRANTING THIS PERMIT THEY WOULD NO LONGER BE A TRAFFIC HAZARD BY HWY 314.

ALSO THEY ARE GREAT THERAPY FOR ME MY WIFE AND SON.

I M A RECOVERING ALCOHOLIC. MY WIFE A RECOVERING ADDICT. MY SON SPECIAL NEEDS.

OUR ANIMALS ARE GOOD THERAPY FOR EVERYONE.

IF YOU TAKE THEM AWAY IT WOULD BE A GREAT MENTAL STRAIN ON ALL 3 OF US.

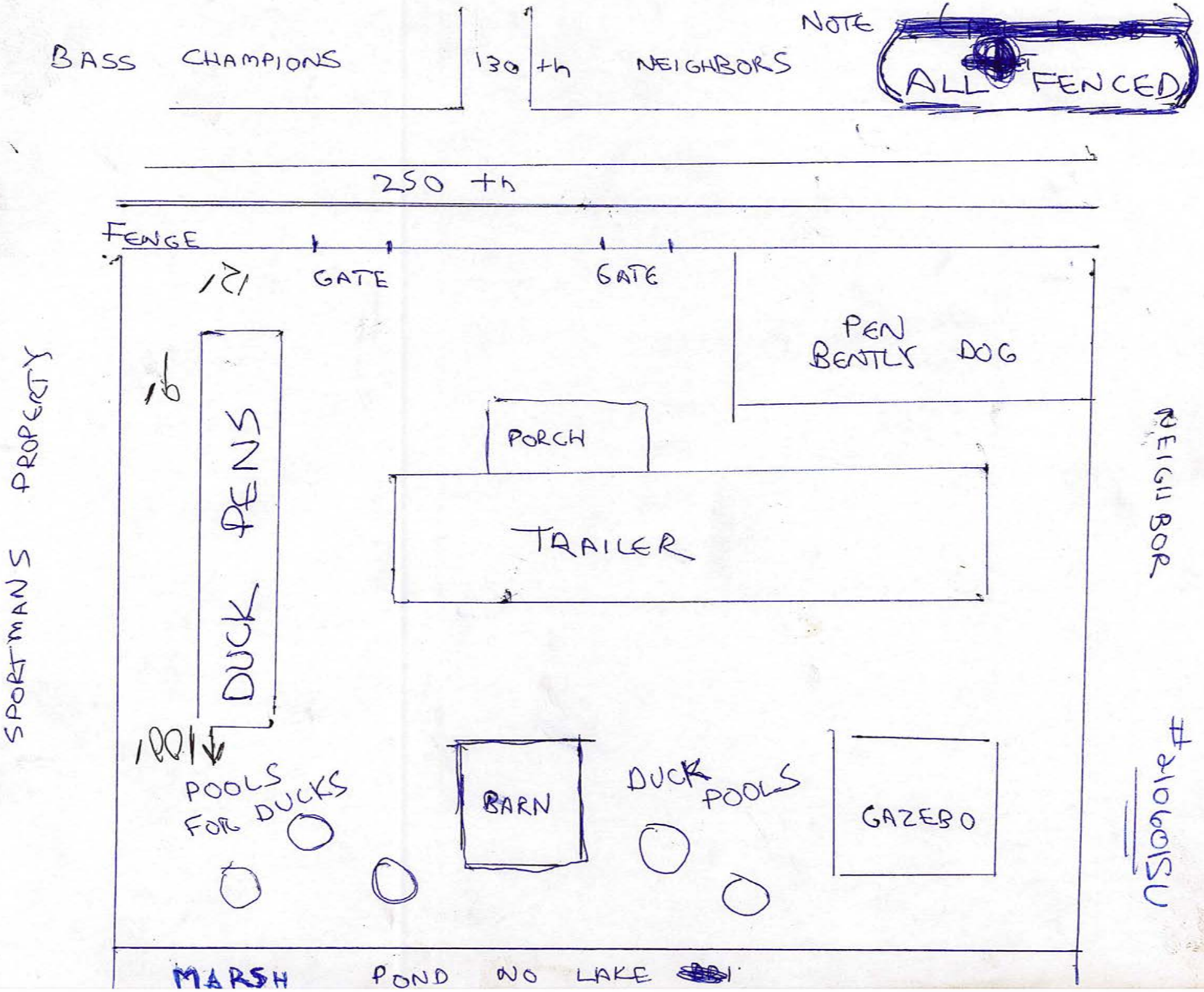
PLEASE SIRS:

THERE IS A WATERFOWL LAW (PG IN APPLICATION)

THERE IS A PANDEMIC GOING ON WOULDNT IT BE BETTER FOR THEM TO REMAIN ON OUR PROPERTY TO STOP THE SPREADING OF DISEASES

THANK YOU

R J Smith


BASS CHAMPIONS
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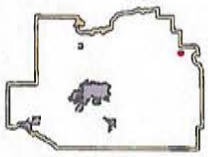
NOTE
ALL FENCED
250 th
FENCE
121
GATE
GATE
PEN
BENTLY DOG
16
PORCH
TRAILER
DUCK PENS
SPORTMANS PROPERTY
NEIGHBOR
#210605U
100
POOLS
FOR DUCKS
BARN
DUCK POOLS
GAZEBO
MARSH
POND
NO LAKE

Marion County | Growth Services Viewer | Map Title



Legend

- Urban Growth Boundary
- Address Search Results
- Streets
- Parcels
- Municipalities
- Marion County

1: 986

1 in = 0.02 Miles

N W E S

Notes

0.0 0 0.02 0.0 Miles

Projected Coordinate System: NAD_1983_StatePlane_Florida_West_FIPS_0902_Feet

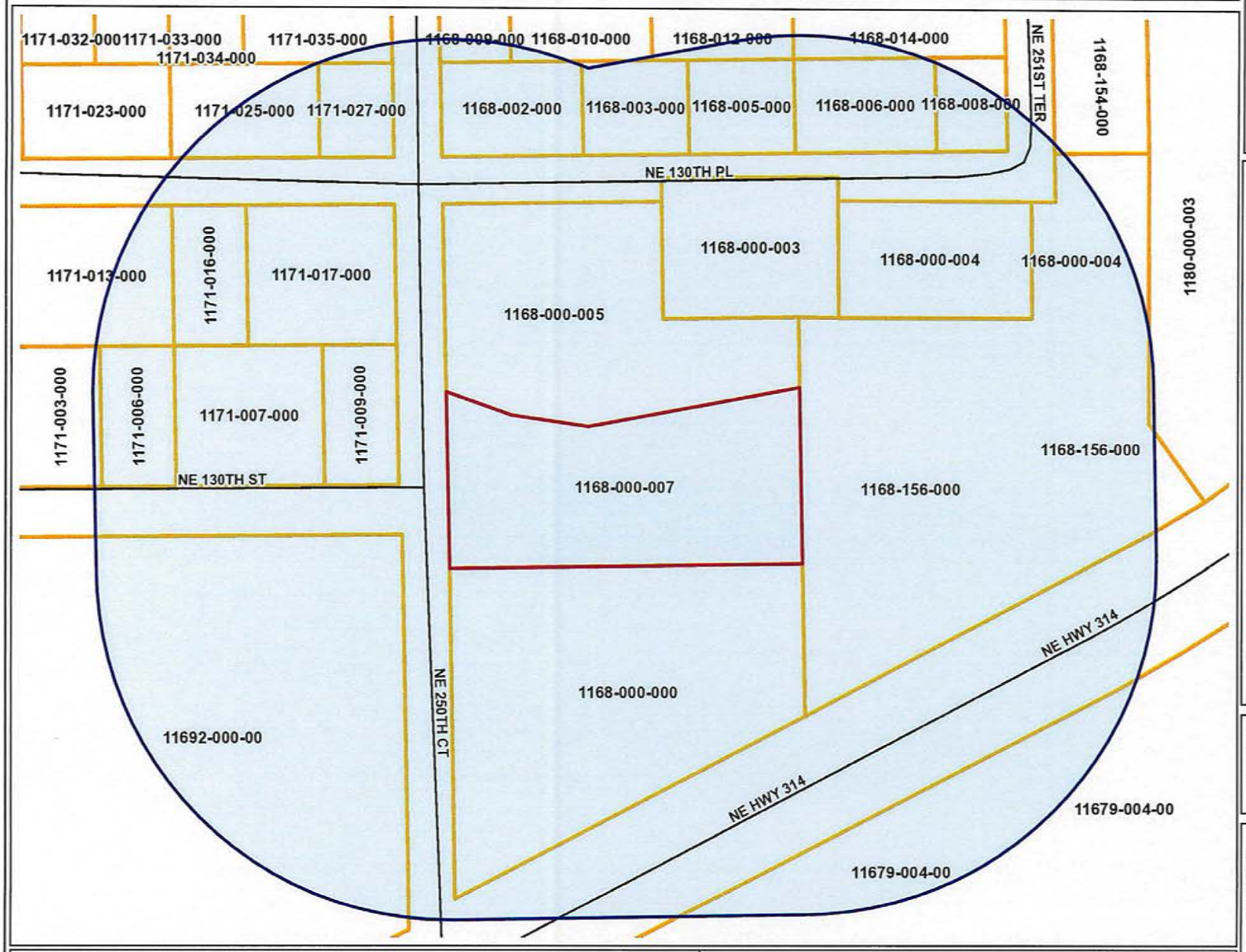
Created By:

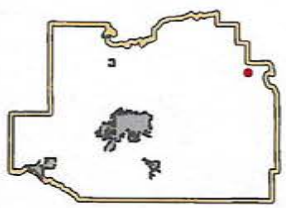
This map was produced by a Marion County employee using an online internal mapping viewer. All GIS features provided through the Marion County online internal mapping viewer are to be considered a generalized spatial representation which is subject to revisions. The GIS features shown hereon are not to be used as legal descriptions. For confirmation of details related to the GIS features, please contact the appropriate department or constitutional office.

Creation Date: 4/6/2021

Marion County Growth Services Viewer

210601SU - GREENE STONE INVESTMENTS, LLC





Legend

- Urban Growth Boundary
- Address Search Results
- Streets
- Parcels
- Municipalities
- Marion County

1: 1,491

1 in = 0.02 Miles

N W E S

Notes

c/o: William B. Greene, Sr.
Agent:
Richard L. Smith and Therese J. Adams

0.0 0 0.02 0.0 Miles

Projected Coordinate System: NAD_1983_StatePlane_Florida_West_FIPS_0902_Feet

Created By: dp

This map was produced by a Marion County employee using an online internal mapping viewer. All GIS features provided through the Marion County online internal mapping viewer are to be considered a generalized spatial representation which is subject to revisions. The GIS features shown hereon are not to be used as legal descriptions. For confirmation of details related to the GIS features, please contact the appropriate department or constitutional office.

Creation Date: 4/8/2021

Marion County
Board of County Commissioners

Growth Services ▪ Code Enforcement

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-671-8900
Fax: 352-671-8903

#210601SU

Case No.: 844744-LH2

March 18, 2021

GREENE STONE INVESTMENTS LLC
PO BOX 188
FORT MCCOY FL 32134

GREENE STONE INVESTMENTS LLC
PO BOX 1956
OCALA, FL 34478

PARCEL #: 1168-000-007

NOTICE OF VIOLATION

On March 18, 2021, at 1:46 p.m., an inspection was made of your property located at 13015 NE 250TH CT, SALT SPRINGS, in Marion County. This inspection revealed a potential violation of **the Marion County Land Development Code, Article 4.** Specifically noted:

➢ **Marion County Land Development Code, Article 4, Division 2, Zoning Classification, Section 4.2.18 Keeping of chickens in business zoning** – exceeding the number of chickens in a business zoning. Chicken shall mean a female of Gallus domesticus or a hen. Chicken shall not include the following: any male chicken or rooster, any duck, goose, turkey, peafowl, guineafowl or other poultry or fowl. Hens must be contained within a covered and fully enclosed chicken coop from dusk to dawn and inside a coop and/or a fenced pen area the remainder of the time. The coop and fenced pen area must be located in the side or rear lot behind the principal structure. Remove **the ducks and geese**, until you have an approved special use permit from the Marion County Zoning Division.

This property will be re-inspected after **April 8, 2021,** and hopefully, this matter will be cleared at that time. Please contact me to discuss the matter and/or to request a re-inspection. Failure to clear a violation **will** result in the issuance of a citation or a notice to appear before the Marion County Code Enforcement Board, which could result in a lien against any real or personal property owned by you. In the event a fine is levied against you by the Code Enforcement Board, a collection agency fee and administrative costs will also be added to the total payoff amount and the lien will be reported to credit bureaus.

Respectfully,

Lester Holly

Code Enforcement Officer
352-671-8908
lester.holly@MarionFL.org

#21060185

Captive-Reared Waterfowl

Information Concerning Captive-Reared Waterfowl in Florida

Because most species of ducks, geese, and swans are considered wildlife, their acquisition, possession, keeping, selling, etc. are regulated by the Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife Service. Florida law (F.A.C. 68A-4.005) requires that you keep captive-reared waterfowl (either exotic or native species) on your property and not release them into wild situations, because they are potential carriers of disease to wild waterfowl. To acquire and possess waterfowl, Florida Statute 372.16 requires you to have a game farm permit ($50). This license covers the protection, preservation, propagation, rearing, and production of game birds and game mammals for private and commercial purposes. You can apply for one of these online at our permit page or by contacting the Florida Fish and Wildlife Conservation Commission regional office nearest you.

Most waterfowl species, other than Pekin ducks, are protected by federal law under the Migratory Bird Treaty Act. No federal permits are needed to buy or keep captive-reared waterfowl, but the protected species and any of their resulting offspring must be properly marked as captive reared (50 CFR 21.13 and 50 CFR 21.14). Proper marking consists of at least one of the following: removal of right hind toe; pinioning; banding with a seamless, metal leg band; or tattooing the web of the foot. Federal law (50 CFR 21.14) also requires you to obtain a copy of Form 3-186, Notice of Waterfowl Sale or Transfer, from the person from whom you are buying the federally protected species. You should keep this form on file as long as you possess the birds or their eggs or offspring.

If you sell federally protected waterfowl species (other than mallards) or their offspring, you need a federal Waterfowl Sale and Disposal Permit (50 CFR 21.25). You also need to provide completed copies of federal Form 3-186, Notice of Waterfowl Sale or Transfer, to anyone who buys birds from you. To get an application for the federal permit and Forms 3-186, visit fws.gov or contact the U.S. Fish and Wildlife Service's regional office in Atlanta, 404-679-7049.

Any species of domestic or captive-reared waterfowl can transmit disease to wild waterfowl. All confirmed outbreaks of DVE, also known as duck plague (a sometimes-devastating viral infection), in wild waterfowl have been linked to domestic or captive-raised waterfowl. Fowl cholera is another serious disease that is transmittable between domestic and wild waterfowl. Although we have had no major outbreaks reported yet in Florida, the potential for captive-reared or domestic waterfowl to spread disease to wild waterfowl remains a biological concern. We consider domestic or captive-reared waterfowl to be undesirable in the wild because of their potential to transmit disease and because of the potential (in the case of mallards) to interbreed with Florida's native waterfowl. Therefore, relocating or releasing captive-reared or domestic waterfowl into a wild situation is not legitimate or appropriate. Captive-reared waterfowl should remain confined to the owner's property, where the birds do not come into contact with wild waterfowl.

You can find a listing of businesses selling waterfowl and other game birds at mynaga.org.