



Marion County Board of County Commissioners

Growth Services ▪ Planning & Zoning

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March 1, 2024

Mr. Jon Harvey
Planning Technician
Tillman and Associates, Engineering
Ocala, FL 34471

Re: Response to your email to Mounir Bouyounes dated February 22, 2024

Dear Mr. Harvey,

Our staff has reviewed the hangar concept plan provided for the lands identified as PID# 14105-000-00 and 14106-000-00 and has the following determination.

First, the starting point for consideration of any application for a development permit requires a determination whether the application is consistent with the designated land use for the property. The comprehensive plan is the land use constitution for Marion County. As such, the comprehensive plan enjoys primacy for any development permits. A local government cannot legally approve development permits that are inconsistent with the comprehensive plan. What you propose is inconsistent with the current Rural Land (RL) designation on the FLUM and therefore cannot be approved. Even if you argued that our current Land Development Code (LDC) would permit the proposed use (which is discussed below) we cannot approve these development permits. Really the analysis ends here. However, since you take the position that our LDC authorizes your proposed hangars, I further conclude that the LDC does not authorize your proposed hangars at that location. Applications and questions like the one you have raised highlight why the county is expeditiously undertaking to develop a set of standards and regulations for private airports, airstrips, fly-in communities, and the like.

To support the prior conclusion that the proposed use is inconsistent with comprehensive plan, the property is analyzed as an agricultural tract of record with a RL use that is in the farmland preservation area (FPA). The comprehensive plan defines agricultural uses as the following:

"Any generally accepted, reasonable, and prudent method for the operation of a farm, including, but not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee; pisciculture, if the land is used principally for the production of tropical fish; aquaculture, including algaculture; sod farming; all forms of farm products as defined in Section 823.14(3), F.S. and farm production. Agricultural Lands are classified as such pursuant to Section 193.461, F.S."

Moreover, comprehensive plan policy 2.1.16 defines rural land (RL) as a “land use designation [...] intended to be used primarily for agricultural uses, associated housing related to farms and agricultural-related commercial and industrial uses. The base density shall be (1) dwelling unit per ten (10) gross acres...” Therefore, since the comprehensive plan does not support the proposed use as an agriculturally related use in the rural lands, and the proposed intensity of 94 hangars on 83.16 acres exceeds the intent of the 1 dwelling per 10 acres, the proposed use is inconsistent with the comprehensive plan.

Second, your email suggests that the site (as detailed by your attached concept plan) is connected to the Jumbolair Aviation Estates Unit 1 and Unit 2 subdivision hamlets (JAE) and that the proposed hangars are accessory uses to JAE’s private airstrip. The JAE is primarily a community where people reside, and the private airstrip is an accessory use to that community. Staff does not have records available that indicate when the Greystone / Jumbolair airstrip was established in the 1980s that a fly-in community was approved or proposed. Further, parcel 14106-000-00 (where you propose to build 80 of the 94 hangars) was acquired in 2001 and was not part of the historical pre-comprehensive plan holdings related to the airstrip. It is simply an agricultural tract of record. Moreover, an accessory use requires a principal use—a principal residence that can have a hangar, like the JAE or the Leeward Air Ranch Airport. The JAE hamlets are their own community with their own runway access and their own allowances for hangars. Currently, there is no other fly-in community or residences for the additional hangars to be part of under your proposed project. If such hangars would be rental hangars, that would be a commercial use inconsistent with the RL land use. The property in question is a wholly different property from the JAE community. The recently proposed but withdrawn PUD, if approved, would have been the proper method to attempt to establish the necessary project wide connections to enable the proposed hangars in a detached but accessory nature (i.e., one house one hanger like in JAE). Since the PUD was withdrawn, these hangars cannot stand alone separate from an approved primary use.

Third, the approved use for the JAE includes hangars for its residences and extends to the accessory contiguous use definition of "ACCESSORY BUILDING OR STRUCTURE (APPURTENANT STRUCTURE), and ACCESSORY USE." However, these lots you are proposing are not contiguous lots to JAE and they were not part of the hamlets as platted and approved. Contiguous parcels are defined by the Land Development Code (LDC) as being “Those parcels of land with at least one common property line.” There are on average at least three properties between JAE and the properties in question. Therefore, the property is not contiguous to the JAE community. Additionally, without going through the Board of County Commissioners, you are trying to accomplish something that would have been accomplished with the PUD that you withdrew. As noted previously, the PUD process and a comprehensive plan amendment are the proper mechanisms for approval of the proposed use.

Finally, comprehensive plan policy 3.1.4 says that development in rural areas shall be guided by principles such as, "[p]rotect[ing] the existing rural and equestrian character of the area..." and "...foster[ing] the continued operation of agricultural activities, farms, and other related uses..." The proposed hangars in the farmland preservation area (FPA) are more of a commercial use, as

suggested by the Florida Building Code (FBC) section 312.1 that puts aircraft hangars under Use Group S-1, requiring full compliance with the commercial provisions of the FBC. Ninety-four separate hangars that are not an accessory to a principal structure like a residence do not support the equestrian character of the area.

Therefore, for the reasons previously noted, these hangars are not a permitted use on the suggested property at this time.

Sincerely,

Chuck Varadin
Director
Growth Services