



## **Position Statement SECO Special Use Permit**

Horse Farms Forever® **OPPOSES** the application by Sumter Electric Cooperative (SECO) for a Special Use Permit to build a utility company service yard on 3 parcels inside the CR 475A Visual Enhancement Gateway Development Overlay Zone (Overlay Zone) for the Florida Horse Park.

The County designated this Overlay Zone as worthy of special development regulations to maintain and protect its visual features. The subject area is the gateway to the Florida Horse Park which is located inside the Cross Florida Greenway. The general region has a significant amount of rural, agricultural and equine activity. It also is home to many members of Horse Farms Forever who share our mission to preserve and protect horse farms and farmland for future generations.

SECO seeks a Special Use Permit to allow a utility company service yard on parcels with a zoning classification of Community Business B-2. The only zoning classification in the Land Development Code that allows a utility company service yard as a *permitted use*, by right, is Heavy Business (B-5). The Heavy Business classification is intended for just that, intense heavy-duty business. The proposed heavy business activity on these parcels would introduce intense commercial uses incompatible with the rural character and agricultural viability of the surrounding horse farms and other parcels. The SECO application for a Special Use Permit violates the intent and integrity of the Overlay Zone for the Florida Horse Park.

### **The Application – Special Use Permit**

In December of 2024, Sumter Electric Cooperative purchased 3 parcels in SW Marion County and intends to build a utility company service yard which will include an office building and warehouse facility with outdoor storage. The 3 parcels total 79 acres and the combined purchase price was \$11.6 million according to the public records. The SECO parcels are located on County Road 475A, just south of the Florida Horse Park and the Cross Florida Greenway.

In January of 2025, SECO applied for a Special Use Permit for all 3 parcels (41200-012-00, 41200-020-00, 41200-020-01) to build an “office building and warehouse facility with material storage”. The application included support documents that reference the CR 475A Visual Enhancement Gateway Development Overlay Zone.

### **The Future Land Use and the Zoning**

The Future Land Use on all 3 parcels is Employment Center, which is intended to provide a mix of business, enterprise, research and development, light to moderate intensity commercial, and light industrial, activities. This designation also allows residential uses, campgrounds and recreational vehicle parks.



The 1<sup>st</sup> and 2<sup>nd</sup> parcels are each 20 acres, and both have a Zoning classification of Community Business B-2. The intent of Community Business classification is to provide for the shopping and limited-service needs of several neighborhoods, a community, or a substantial land area. Retail stores are intended to include general merchandise, fashion, durable goods, and personal services. All commercial activity involving retail sales or rentals is required to take place in a completely enclosed building.

The 3<sup>rd</sup> parcel is 39 acres and has a Zoning classification of Agriculture A-1. SECO has a companion application to change the zoning on this parcel to B-2.

### **The Overlay Zone**

In 2016, the County deemed the drive from County Road 484 to the Florida Horse Park on County Road 475A to be unique enough that it created the CR 475A Visual Enhancement Gateway Development Overlay Zone to protect it. The purpose and intent of the zone was to “develop overlay standards from the Florida Horse Park to CR 484 that create an attractive and efficient development pattern in a defined portion of southern Marion County and regulate the intensity of uses.”

The SECO parcels are inside the Overlay Zone and subject to its restrictions. Within the boundaries of the overlay, any new development or redevelopment except continued general agriculture use, shall be subject to the overlay restrictions. The visual enhancement standards include design, landscaping and buffering, and signage.

Per Sec. 5.8.4. Permitted Uses. “The following are permitted land uses within the overlay zone located east of U.S. Interstate 75 and west of the right-of-way of CR 475A:

- A. Agricultural uses.
- B. Mixed commercial and residential uses as well as stand-alone commercial, residential, and recreational uses, except where specifically expressed and outlined under this overlay.
- C. Commercial uses will be limited to those uses permitted within the B-2 "Community Business", P-RV "Recreational Vehicle Park", and RR "Recreational Resort" Zoning Districts<sup>1</sup>,

any proposed industrial uses may only be permitted by Special Use Permit, and only in order to review for compatibility with the surrounding agricultural, residential, and commercial uses within the overlay<sup>2</sup>.”

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<sup>1</sup> The Overlay Zone limits commercial uses to permitted uses and makes no allowance for a Special Use Permit for a commercial use.

<sup>2</sup> The Overlay Zone restricts the use of a Special Use Permit to industrial uses.



### **The Role of Land Use, Zoning, Overlay Zones and Private Property Rights**

The role of the County's Comprehensive Plan and Land Development Code is to ensure a well-planned community by reducing land use conflicts. Land use and zoning classifications are critical components that inherently protect private property rights. They do so for the greater common good to efficiently plan for growth and the related infrastructure needs.

Land use and zoning are the result of the County exercising its sovereign power to govern the use of private property for the common good of all citizens. One way to think of land use and zoning is to compare them to speed limits on roads. While your car can go very fast, the speeds you can drive have been governed for both your own safety and the safety of others.

That is, just because you own a fast car doesn't mean you can drive it as fast as you want. In the same regard, just because you own private property doesn't mean you can do whatever you want on it. The land use and zoning classifications control what can be done on the parcel.

The private property that Sumter Electric Cooperative purchased in late 2024 is entitled to the land use and zoning that came with the parcels, Employment Center and Community Business/Agriculture. It is also subject to the protections and restrictions of the Overlay Zone. The neighbors to the north and east who purchased rural land subject to a protective Overlay Zone are entitled to an expectation that the integrity of the land use, zoning and overlay zone would be upheld. The role of land use, zoning and overlay zones is to provide predictability.

The SECO parcels are inside the CR 475A Visual Enhancement Gateway Development Overlay Zone and subject to its restrictions. The Overlay Zone specifically limits commercial uses to those uses permitted within the B-2 "Community Business", P-RV "Recreational Vehicle Park", and RR "Recreational Resort" Zoning Districts. It does not provide for a Special Use Permit to override this restriction.

The Overlay Zone specifically states: "The land use designation and/or zoning classification for any parcel remains undisturbed by the creation of an overlay zone except when the zone imposes additional or different development standards than those that would otherwise apply. In the event of conflict, the more stringent regulation applies and supplements and/or supersedes other regulations provided in the Land Development Code."

### **Marion County Growth Services Planning & Zoning Staff Report**

The Staff Report enters competent substantial evidence into the public record that supports a recommendation to the County Commission of **DENIAL** of the Special Use Permit because the proposed use is not consistent with each of the required Special Use Permit Findings and is therefore not consistent the Comprehensive Plan as required in LDC Sections 2.8.2.D and 2.8.3.B along with LDC Division 5.8.



Horse Farms Forever agrees with the recommendation from Growth Services that this application for a Special Use Permit for a utility company service yard should be **DENIED**. It is not compatible with the surrounding properties and violates the intent and integrity of the Overlay Zone for the Florida Horse Park.

We ask our County Commissioners to say **NO** to this application and **YES** to protecting the special Overlay Zone for the Florida Horse Park.

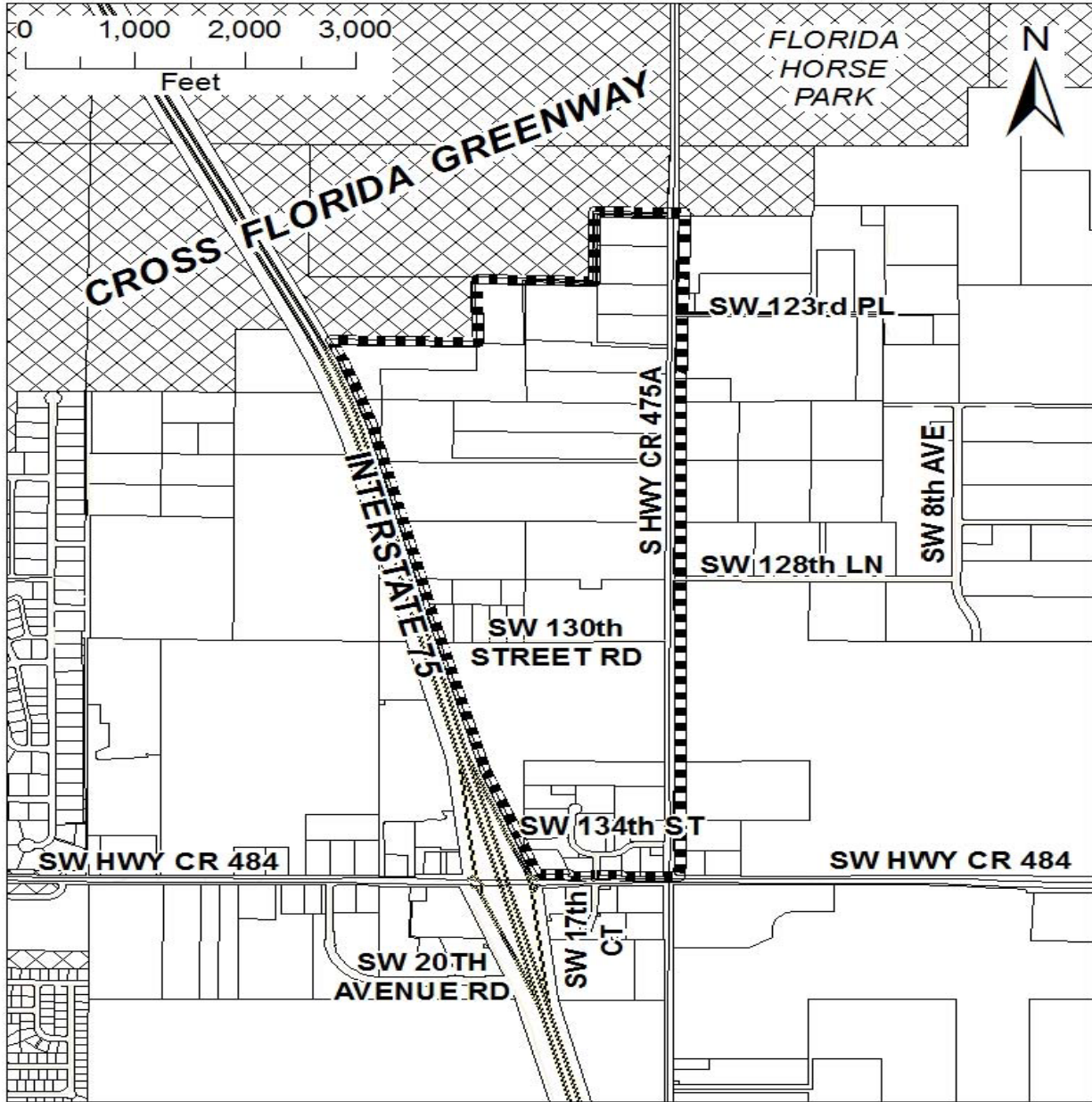
#### **Horse Farms Forever® Mission**


The mission of Horse Farms Forever® is to inspire conservation of horse farms through education, awareness, and idea exchange so as to preserve the character and culture that horses and the Farmland Preservation Area make unique to Marion County. We are watchful of government and others to preserve and protect horse farms and farmland for future generations, especially in the Farmland Preservation Area. We are neither anti-growth nor anti-development, rather encouraging urban growth to remain inside the Urban Growth Boundary.

Horse Farms Forever® is registered with the Florida Department of Agriculture and Consumer Services as a charitable organization and approved as a tax-exempt 501 (C) (3) corporation by the Internal Revenue Service. Horse Farms Forever does not have a political mission. Our status as a 501(c)(3) charitable organization does not allow us to participate or intervene in political activities. The organization will neither advocate on behalf of political candidates nor advocate for the passage of legislation.



# HORSE FARMS FOREVER



 CR 475A Visual Enhancement Gateway Development Overlay Boundary