



**Marion County  
Board of County Commissioners**

Growth Services

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Ocala, FL 34470  
Phone: 352-438-2600  
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**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>P&amp;Z Date: 09/30/2024</b>	<b>BCC Date: 10/15/2024</b>
<b>Case Number</b>	241005ZC
<b>CDP-AR</b>	31763
<b>Type of Case</b>	<b>Rezoning</b> from Regional Business (B-4) to Rural Residential (RR-1).
<b>Owner</b>	TLC Group Services, LLC c/o Claudia Mejia
<b>Applicant</b>	TLC Group Services, LLC c/o Claudia Mejia
<b>Street Address/Site Location</b>	West Hwy 40/SW 144 <sup>th</sup> CT, No address assigned
<b>Parcel Number(s)</b>	2002-057-001
<b>Property Size</b>	±0.50 acres
<b>Current Future Land Use</b>	Rural Land (RL)
<b>Current Zoning Classification</b>	Regional Business (B-4)
<b>Overlays Zones/Special Areas</b>	Secondary Springs Protection Zone (SSPZ)
<b>Staff Recommendation</b>	Approval
<b>P&amp;Z Recommendation</b>	<b>Approval</b>
<b>Project Staff</b>	Antony Alva, GIS Technician Analyst
<b>Related Cases</b>	N/A

## I. ITEM SUMMARY

Staff is recommending Approval of the rezoning of this property from B-4 (Regional Business) to RR-1 (Rural Residential) on 0.50 acres, in accordance with Marion County Land Development Code (LDC), Article 2, Division 7, Zoning Change. (See Attachment A). The Parcel Identification Number for the property is 2002-057-001; the subject property is located north of W SR 40, at the southwest corner of SW 30<sup>st</sup> Street Road and SW 144<sup>th</sup> Court, with no address yet assigned. The legal description is provided within the application (see Attachment A). The site is located outside both the Farmland Preservation Area (FPA), and the Urban Growth Boundary (UGB), but inside the Secondary Springs Protection Zone (SSPZ). It is located outside the Marion County Utilities area.

The subject property (Figures 1 & 1.2) is one parcel, identified as Lot 1, Block 57, a subdivision of Block 49 and 57, on the original plat map of the Rainbow Park Unit 2 residential subdivision. This application proposes to rezone the entire ±0.50-acre site from Regional Business (B-4) to Rural Residential (RR-1) for all uses permitted within the proposed zoning classification. The intent provided within the rezoning application is Single-Family Dwelling. The rezoning application seeks to change the zoning designation of the subject property from Regional Business (B-4) to Rural Residential (RR-1). The property is situated in a rural area outside Marion County's Urban Growth Boundary (UGB) and is surrounded by residential and agricultural land uses. The rezoning aims to reduce the potential density and intensity of development, aligning with the county's goals for rural land use.

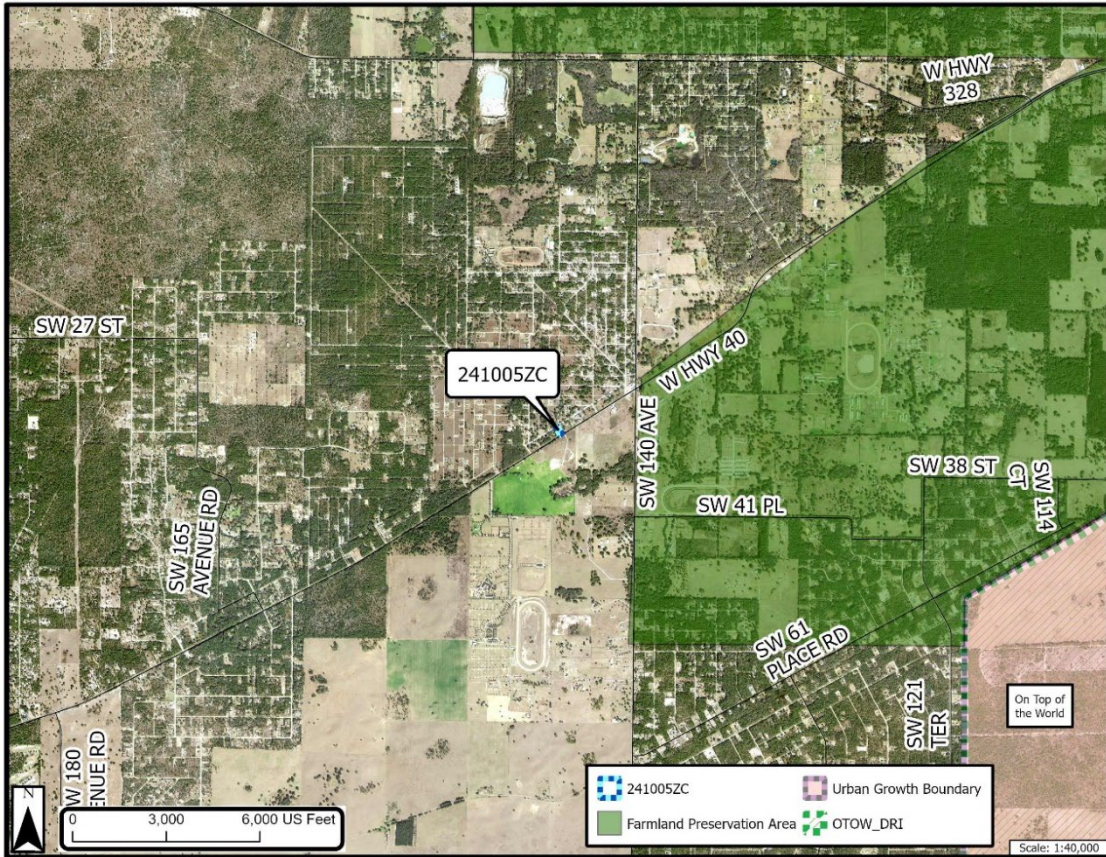
The current B-4 zoning permits a variety of commercial activities that are inconsistent with the Rural Land use designation and the rural character of the area. The proposed RR-1 zoning will limit development to single-family residential homes with a minimum lot size, which is more compatible with the surrounding uses. This change supports the preservation of the rural environment and is consistent with the objectives outlined in Marion County's Comprehensive Plan.

The application is also consistent with the county's Future Land Use Element (FLUE) policies, specifically Policy 2.1.21, which encourages the preservation of rural areas by limiting higher-density development outside the UGB. The FLUE promotes sustainable growth by directing urban-scale development toward areas within the UGB, thereby reducing sprawl and conserving rural landscapes.

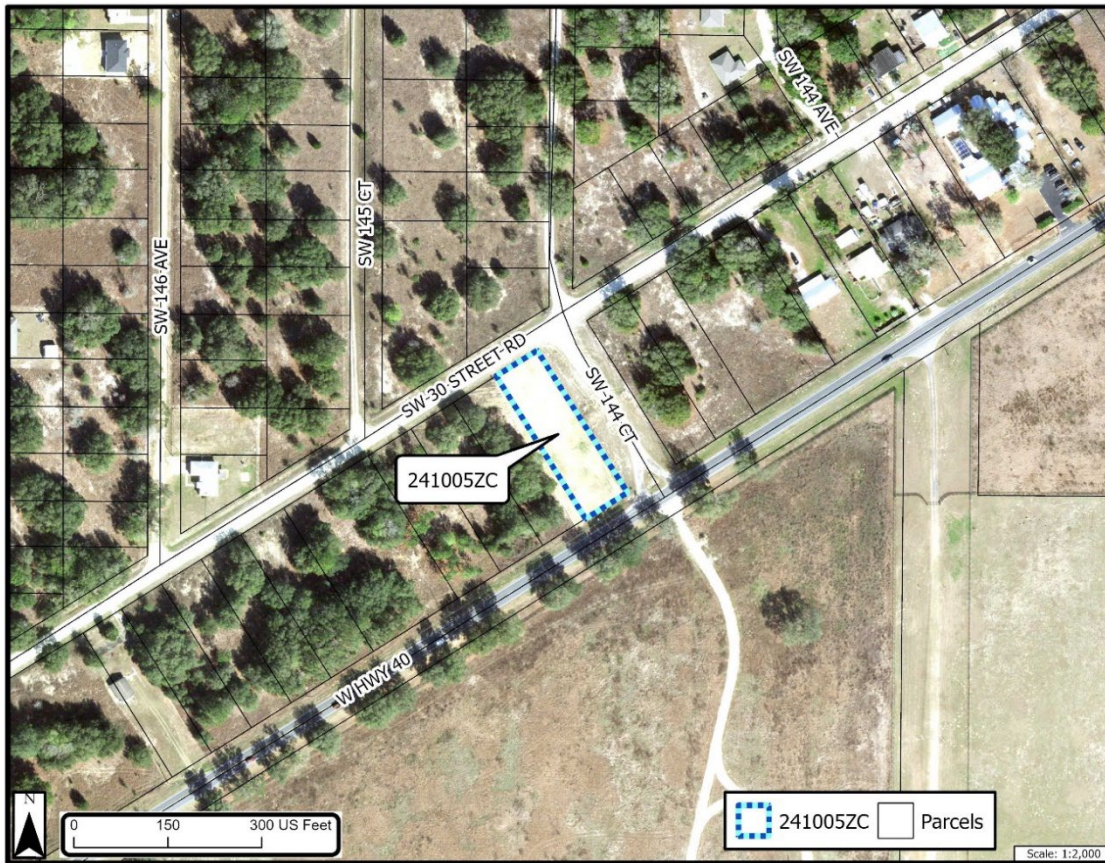
Staff analysis indicates that the rezoning will not adversely impact public services or infrastructure, including transportation, potable water, sewer, solid waste, recreation, and emergency services. The Marion County Transportation Planning Organization has confirmed that the rezoning will not negatively affect the level of service on local roads.

Given the consistency with the FLUE and the compatibility with neighboring land uses, staff recommends approval of the rezoning request, as it aligns with the county's long-term planning goals and policies for rural areas. **(Complete report below)**

### Figure 1 Regional Location Map



**Figure 1.2  
General Location Map**



## II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning application. The rezoning will establish a zoning classification which is consistent with Marion County's intent for the future land use of the property and Marion County's Comprehensive Plan.

## III. NOTICE OF PUBLIC HEARING

Consistent with Land Development Code (LDC) Section 2.7.3.C., notice of public hearing was mailed to all property owners (18 owners) within 300 feet of the subject property on September 13, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on September 3, 2024, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on September 16, 2024. 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 the initial distribution of this staff report, no letters of opposition or support have been received.

<b>TABLE A. Adjacent Property Characteristics</b>			
<b>Direction</b>	<b>FLUM Designation</b>	<b>Zoning Classification</b>	<b>Existing Use per Property Appraiser Code</b>
<b>North</b>	Rural Land (RL)	Multiple Family Dwelling (R-3)	Vacant Residential
<b>South</b>	Rural Land (RL)	General Agriculture (A-1)	Grazing Land
<b>East</b>	Rural Land (RL)	Heavy Business (B-5)	Vacant Residential
<b>West</b>	Rural Land (RL)	Regional Business (B-4)	Vacant Residential

Table A displays the information of Figures 2, 3, 4 and 5 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit and finds the subject property remains undeveloped and cleared. A few parcels to the north are similar in size and undeveloped. There are a few homes developed on the East (couple of parcels over) of the subject property, to the West of the subject property the parcels are also vacant or undeveloped. See Attachment C for site photos.

#### **IV. ANALYSIS**

LDC Section 2.7.3.E.(2) provides that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding that granting the rezoning will not adversely affect the public interest, that the proposed zoning change is consistent with the current Comprehensive Plan, and that it is compatible with land uses in the surrounding area. Staff's analysis of compliance with these three criteria are addressed below.

##### **A. *Compatibility with Surrounding Uses***

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 1.2) is a general location aerial displaying existing and surrounding site conditions.

Figure 2 shows the subject property as well as all surrounding properties designated as Rural Land (RL).

**Figure 2  
FLUMS Designation**

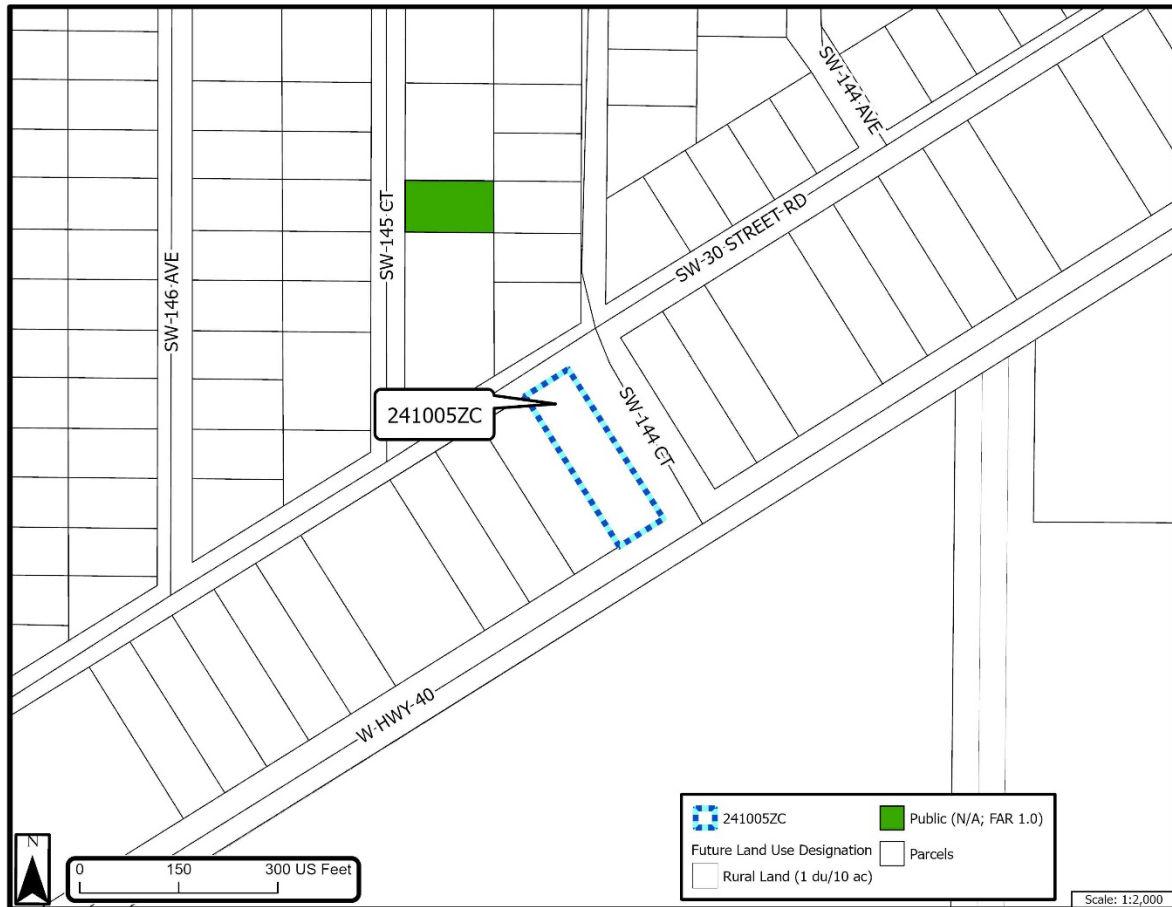
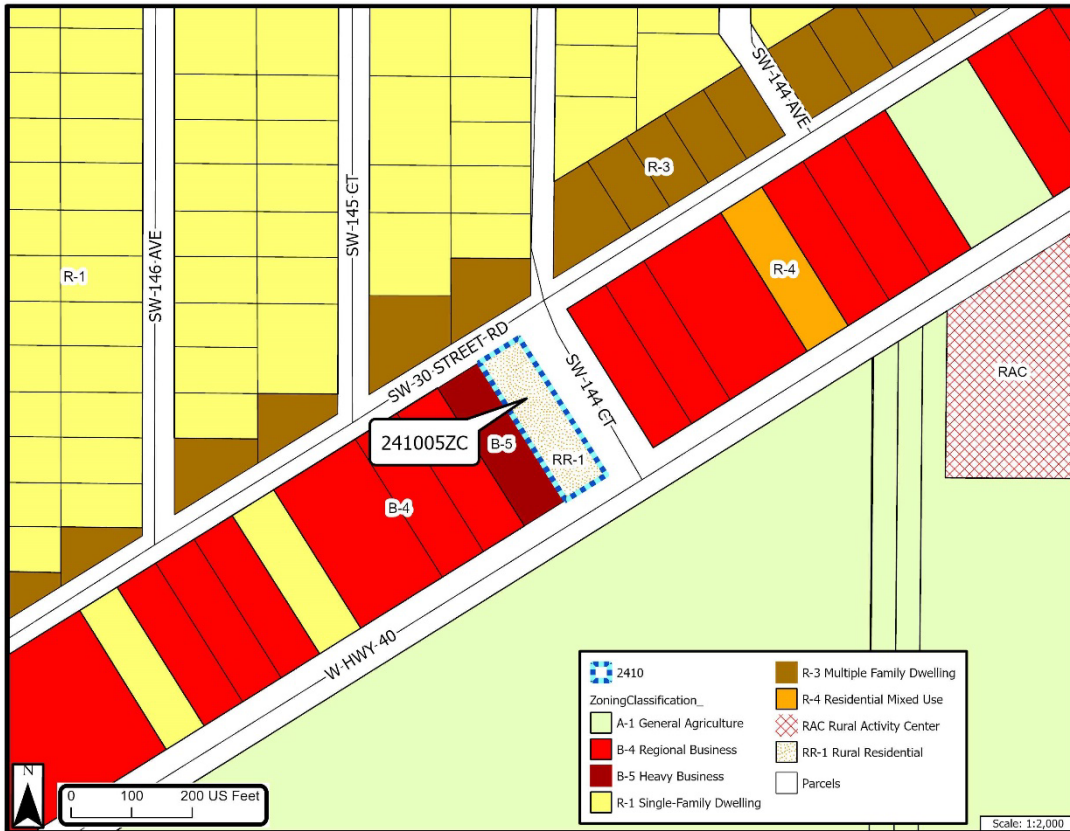


Figure 3 displays the proposed zoning for the subject property in relation to the existing zoning of the surrounding properties. North of the subject site is a mix of Single-Family Dwelling (R-1) and Multiple-Family Dwelling (R-3) zoning classifications, West is Heavy Business (B-5) & Regional Business (B-4), South is General Agriculture (A-1), and East is an area of Regional Business (B-4). The existing commercial zonings are inconsistent with the Rural Land use designation.

The site is located outside the Urban Growth Boundary (UGB) as well as the Farmland Preservation Area (FPA).

**Figure 3**  
**Proposed Zoning Classification**



**Figure 4**  
**Property Aerial**

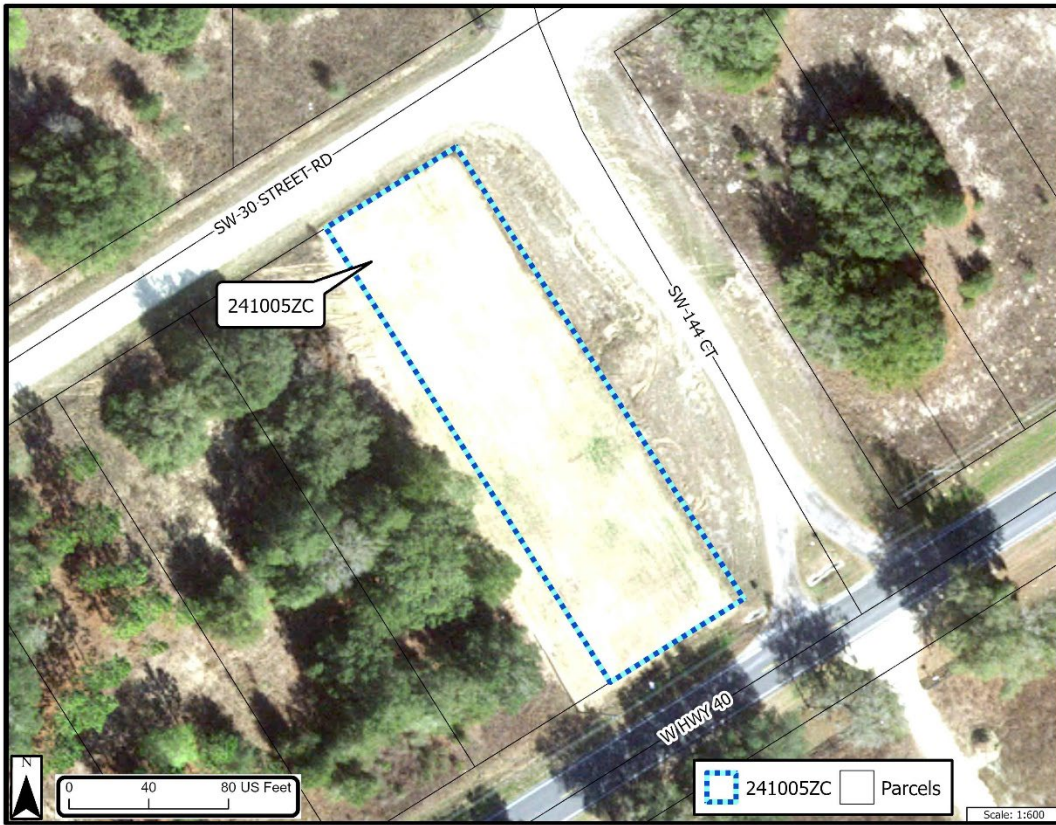
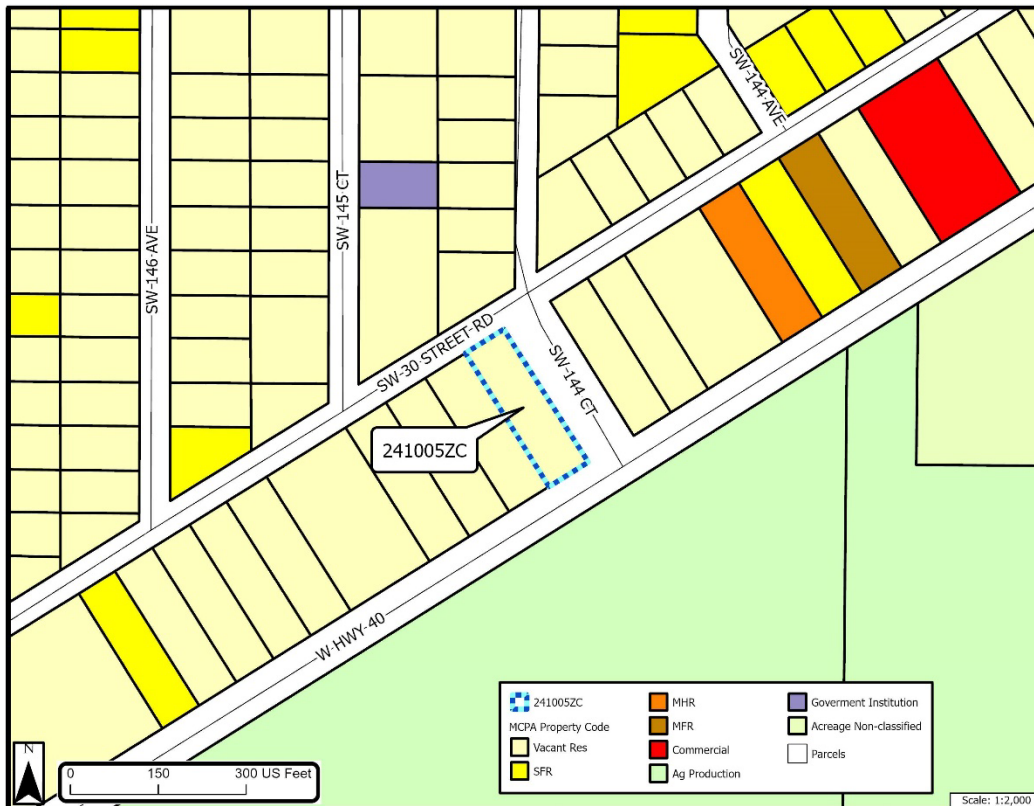


Figure 4 provides an aerial image of the subject property and adjacent surrounding area, while Figure 5 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).



**Figure 5**  
**Existing Use per Property Appraiser Property Code**

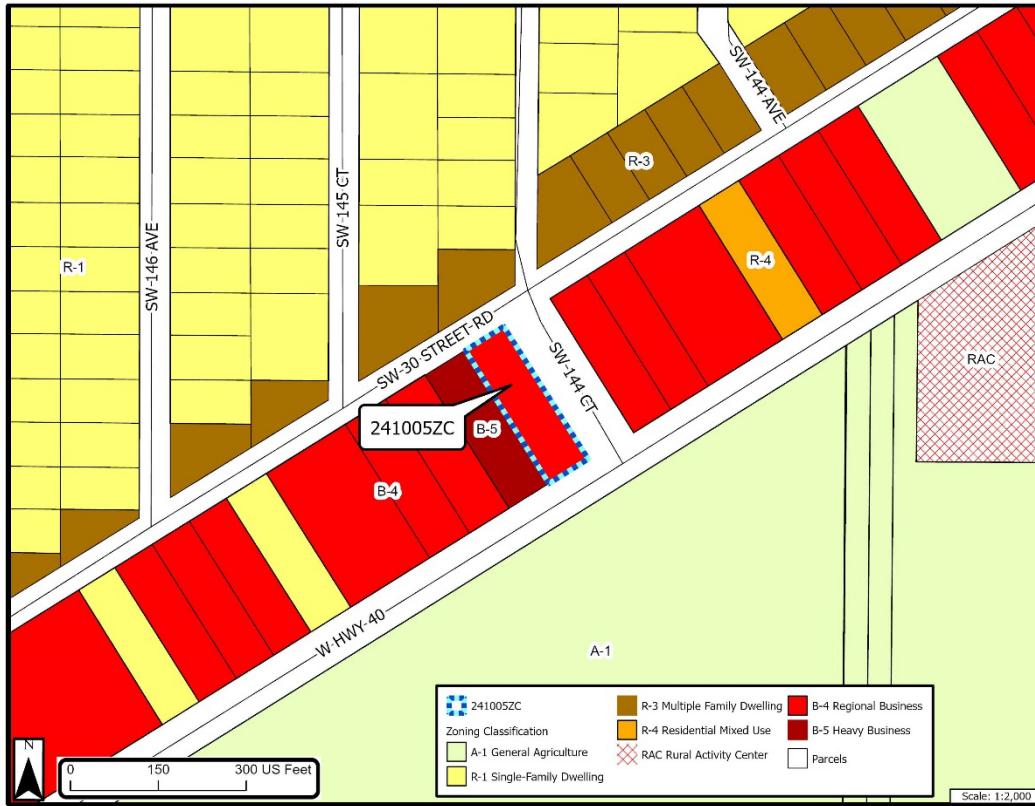


This application seeks to rezone the property from **Regional Business (B-4)** to **Rural Residential (RR-1)**. Nearby, parcels 2003-101-007 and 2003-101-009 were rezoned from B-4 to RR-1 under request #180302Z on March 19, 2018. Similarly, parcel 2003-101-012 was rezoned from B-4 to RR-1 under request #210305Z on March 16, 2021. On October 19, 2021, parcels 2003-098-015, 2003-098-016, 2003-098-017, and 2003-098-018 were also rezoned from B-4 to RR-1 under request #211011Z.

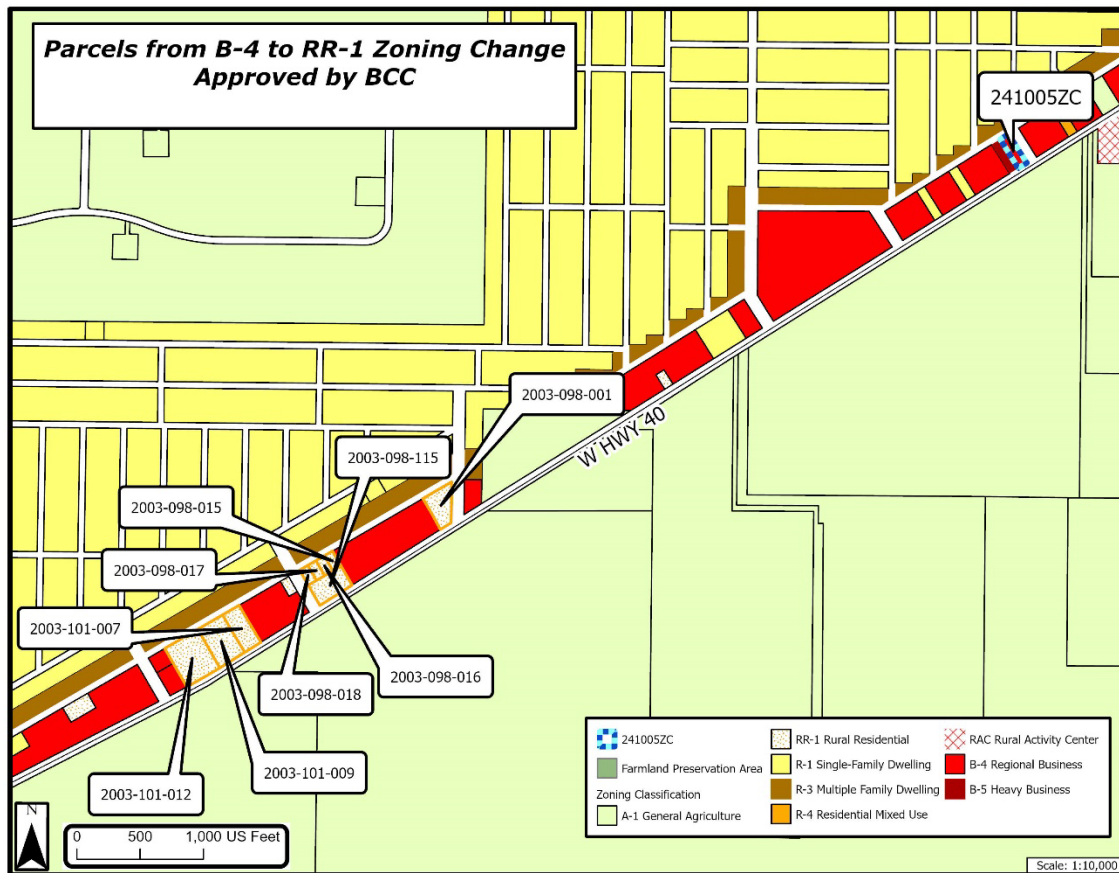
Another rezoning occurred under request #220104Z for parcel 2003-098-115, a 1.24-acre parcel located on the southwestern end of the same residential subdivision block as the most recently approved property. This request was approved in early 2022, and the parcel is now zoned RR-1. Under request #240404ZC, the most recent rezoning was approved on April 16, 2024, for parcel 2003-098-001, which was also changed from B-4 to RR-1.

Figures 6 and 6.1 provide local zoning classifications for the subject property. Figure 6.1 specifically displays the parcels that were rezoned from B-4 to RR-1, as approved by the Board of County Commissioners (BCC).

**Figure 6**  
**Current Zoning Classification**



**Figure 6.1**  
**Current Zoning Classification**



Based on the above findings, the proposed rezoning application is **compatible** with the existing and future surrounding land uses because the proposed rezoning would allow a reduction in density and intensity (alternatively referred to as downzoning) outside of the UGB, and inside the Secondary Springs Protection Zone, which furthers the future land use and the long-term intent for the area. The site is surrounded by rural lands with residential and agricultural land uses. **The current B-4 zoning is not consistent** with the Rural Land Use assigned to the area. **The proposed RR-1 rural residential zoning is consistent** with the FLU designation and the intensity and characteristics of the surrounding area.

**B. Effect on the Public Interest**

1. Transportation impacts. These include roadways, public transit, and other mobility features.
  - a. Roadways. SW 30<sup>th</sup> Street Road fronts the property and leads out to SW 144<sup>th</sup> Court, both of which are unpaved county-maintained local subdivision roads. A change from an undeveloped B-4 property to RR-1 for the development of single family homes **will not adversely affect** the public interest.

- b. Public transit. Not available in this area. Therefore the development of a single family dwelling on this parcel **will not adversely affect** the public interest.
- c. Other mobility features. No sidewalks currently exist in the vicinity. Upon development, sidewalks will likely not be required. Therefore, the application **would not adversely affect** the public interest.

Based on the above findings, the rezoning roadway **impacts would not adversely affect the public interest.**

- 2. Potable water impacts. Potable Water Element Policy 1.1.1 adopts a level of service (LOS) standard of 150 gallons per person per day for residential demand and approximately 2,750 gallons per acre per day for nonresidential demand. Based on the residential calculation, the proposed rezoning would result in a potential demand of 360 gallons per day.

The property is located outside the Urban Growth Boundary (UGB) and Marion County Utilities' Service Area, and it is also beyond the current connection distance. Based on these findings, the rezoning's impact on potable water **would not adversely affect the public interest.**

- 3. Sanitary sewer impacts. Sanitary Sewer Element Policy 1.1.1 adopts a LOS standard of 110 gallons per person per day for residential demand and approximately 2,000 gallons per acre per day for commercial and industrial demand. Based on the residential calculation, the proposed rezoning would result in a potential demand of 264 gallons per day.

The property is outside the UGB and not within Marion County Utilities' current extension area. Based on the above findings, the rezoning's sanitary sewer impacts **would not adversely affect** the public interest.

- 4. Solid waste impacts. Solid Waste Element Policy 1.1.1 adopts a LOS standard of 6.2 pounds of solid waste generation per person per day for residential demand. Based on the residential calculation, the proposed rezoning would result in a potential demand of 14.88 pounds of solid waste generation per day. Based on the above, the rezoning solid waste impacts **would not adversely affect** the public interest.

- 5. Recreation. Recreation Element Policy 1.1.1 adopts a level of service standard of two (2) acres per 1,000 persons. Based on the permitted density of one home on the property, based on the proposed zoning, the rezoning recreation impacts **would not adversely affect** the public interest.

- 6. Storm water/drainage. Storm water Element Policy 1.1.1 adopts varying levels of service standards based on the characteristics of the development

site. The site does not include any flood plain areas but does contain some flood prone areas. Development of the site will be required to comply with a 100-year frequency 24-hour duration design storm as the site development proceeds through Marion County's site development review processes. Based on the above, the rezoning storm water/drainage impacts **would not adversely affect** the public interest.

7. Fire rescue/emergency services. The site is officially located in the service district for Marion County's Lake Tropicana Fire Station #25, located at 17700 SW 36<sup>th</sup> Loop, Dunnellon; roughly ±3.2 miles northwest of the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services but staff has established a 5-mile radius from the subject property as evidence of the availability of such services. Based on the above, the rezoning fire rescue/emergency impacts **would not adversely affect** the public interest.
8. Law enforcement. The nearest Sheriff substation is located approximately ±6.7 miles southwest of the subject property at 19995 SW 86<sup>th</sup> Street, Dunnellon. The Comprehensive Plan does not establish a level of service standard for law enforcement services but staff has established a 5-mile radius from the subject property as evidence of the availability of such services. Based on the above, the application's law enforcement impacts **would not adversely affect** the public interest.
9. Public schools. The proposed rezoning is within the district for the following schools with 2023-2024 enrollment: Dunnellon Elementary (99.83%), Dunnellon Middle (64.59%), and Dunnellon High (111.26%). While there are localized areas of crowding within schools, the county has overall capacity available. Therefore, the application's public-school impacts **would not adversely affect** the public interest.

In summation, when weighing the totality of the circumstances, **the public interest is not adversely affected.**

C. *Consistency with the Comprehensive Plan*

1. **FLUE Policy 1.1.5: Higher Density/Intensity Uses** - The County shall require higher densities and intensities of development to be located within the Urban Growth Boundaries and Planned Service Areas, where public or private facilities and services are required to be available.

**Analysis:** The subject site is located outside the urban growth boundary and public and/or private facilities and services are unavailable. Based on the subject property's location being within a platted rural residential subdivision and having a current commercial zoning with an incompatible Rural Land future land use, the proposed rezoning for rural residential use would bring the subject property into compliance with its future land use.

This change would support the county's desire to encourage development with higher densities and intensities to occur within the urban growth boundary, and leave the Rural Land and lower density development at this time for parcels outside the UGB. The proposed rezoning would be **consistent** with FLUE Policy 1.1.5.

2. **FLUE Policy 2.1.6: Protection of Rural Areas** – Rural and agricultural areas shall be protected from premature urbanization and a vibrant rural economy shall be encouraged outside the UGB and Planned Service Areas. Urban and suburban uses incompatible with agricultural uses shall be directed toward areas appropriate for urban development such as within the UGB and PSAs.

**Analysis:** This property is located inside a subdivision of record under Policy 10.1.4 in the Marion County Comprehensive Plan. This means that we allow them to return to the use that pre-existed in the zoning code, which includes residential use for this parcel. The Rural Residential zoning classification is consistent with the Rural Land future land use designation, and is the level of intensity we would want to encourage at this location, as well as protect from premature urbanization.

Further, property owners are entitled to a zoning classification which is consistent with their future land use designation. And, pursuant to F.S. 163.3194, the zoning classification must be consistent with the future land use element of the County's adopted comprehensive plan, which functions as the County's constitution for purposes of future land development and use. Currently, **the existing Regional Business (B-4) zoning is inconsistent with the future land use of Rural Land.**

Should this parcel have wanted to develop commercially with a Rural Land future land use, they would have had to apply for a Small-scale Comprehensive Plan Amendment to change their future land use. Part of that analysis considers the compatibility with the surrounding area. All of the surrounding area has a future land use designation of Rural Land; therefore, it is likely that staff will not support that request. **The instant rezoning request is the most compatible request for this property**, and furthers the County's initiative to protect rural area like this. Therefore this request is **consistent** with FLUE Policy 2.1.6.

3. **FLUE Policy 2.1.16: Rural Land (RL)** - This land use is 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, and the designation is a Rural Area land use.

**Analysis:** The proposed rezoning will take a property with a current zoning which is inconsistent with its future land use, and give the property a zoning classification which is consistent with the site's Rural Land future land use designation, as the proposed zoning is rural in nature. Therefore, **the proposed rezoning is consistent** with FLUE Policy 2.1.16.

4. **FLUE Policy 3.1.4: 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 subject site is located within an existing node of Residential uses. Rezoning of this parcel **from Regional Business (B-4) to Rural Residential RR-1** would make this parcel conform with the protection of the existing rural character of the area and acknowledge that a certain portion of the County's population desire to live in the Rural Area. Changing the zoning would not affect the base density since the subject property will be within allow permitted in Rural Residential (RR-1) on a  $\pm 0.50$  acres. The proposed rezoning would be **consistent** with FLUE Policy 3.1.4

5. **FLUE Policy 4.1.2: Conflicts between Comprehensive Plan, Zoning, and LDC** – The Comprehensive Plan shall be the governing document. In the event of conflict between the Comprehensive Plan, Zoning, and LDC, the more stringent regulation shall apply, unless the County has developed a process to allow a variance or waiver of the regulation where a conflict in regulations occurs in accordance to the Comprehensive Plan, Zoning, or LDC.

**Analysis:** Rezoning the parcel to RR-1 is necessary to resolve the current conflict created by this parcel's commercial zoning and rural land use. This policy states that the governing document is the Comprehensive Plan and therefore, the land use. The proposed rezoning would be the best way to resolve this conflict, and per statute, the County is required to bring the

zoning code into conformity with the adopted Comprehensive Plan. See 163.3194(2)(b), F.S. Therefore **this rezoning request is consistent with FLUE Policy 4.1.2.**

6. **FLUE Policy 5.1.3 on Planning and Zoning Commission** provides, “The County shall enable applications for CPA, ZC, and SUP requests to be reviewed by the Planning & Zoning Commission, which will act as the County’s Local Planning Agency. The advisory board's purpose is to make recommendations on CPA, ZC, and SUP requests to the County Commissioners. The County shall implement and maintain standards to allow for a mix of representatives from the community and set standards for the operation and procedures for this advisory board.

**Analysis:** The proposed zoning change is scheduled for the September 30, 2024, Planning and Zoning Commission and, therefore, the application is **consistent** with this FLUE Policy 5.1.3.

7. **FLUE Policy 5.1.4 on Notice of Hearing** provides, “The County shall provide notice consistent with Florida Statutes and as further defined in the LDC.”

**Analysis:** Public notice has been provided as required by the LDC and Florida Statutes and record of same is on file with Growth Services. Therefore, **the application is consistent** with FLUE Policy 5.1.4.

Based on the above findings, the proposed rezoning is **consistent** with the Comprehensive Plan.

## V. 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 **DENY** the rezoning amendment.
- B. 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 **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.

## VI. STAFF RECOMMENDATION

Staff recommends the Board 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 **APPROVE** the proposed rezoning because the application:



- A. **Will not adversely affect the public interest**, because the rezoning seeks to decrease the intensity of potential development;
- B. Is consistent with the Marion County Comprehensive Plan, specifically with:
  - 1. FLUE Policies (1.1.5, 2.1.6, 2.1.16, 3.1.4, 4.1.2, 5.1.3, 5.1.4)
- C. Is compatible with the surrounding uses because the proposed rezoning would downzone a parcel located in an area designated for **lower density** and intensity development close to similar rural residential uses within a subdivision of record which maintains long-term plans for rural residential use.

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

**Approval** on September 30, 2024, at 5:30 PM.

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

To be determined. Scheduled for October 15, 2024, at 2:00 PM.

## **IX. LIST OF ATTACHMENTS**

- A. Rezoning Application, received July 09, 2024
- B. Site and Area Photographs
- C. DRC Comments