



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 07/28/2025	BCC Dates: 08/18/2025
Case Number	250805ZC
CDP-AR	32763
Type of Case	Rezoning from Mixed Residential (R-4) to Manufactured Housing Park (P-MH).
Owner	Joseph Petrolino
Applicant	Joseph Petrolino
Street Address/Site Location	5727 SE 27 th Ave. Ocala, FL 34480
Parcel Number(s)	3582-253-000
Property Size	± 2.51 acres
Future Land Use	High Residential (HR)
Existing Zoning Classification	Mixed Residential (R-4)
Overlays Zones/Special Areas	Urban Growth Boundary (UGB), Primary Springs Protection Overlay Zone (P-SPOZ)
Staff Recommendation	Denial
P&Z Recommendation	Denial
Project Planner	Kathleen Brugnoli, Planner
Related Cases	980701Z: R-4 to P-MH – Denied.

I. ITEM SUMMARY

Joseph Petrolino has filed a rezoning application to change from Mixed Residential (R-4) to Manufactured Housing Park (P-MH) for an overall ± 2.51 -acre parcel (see Attachment A). The Parcel Identification Number for the property is 3582-253-000; the site address is 5727 SE 27th Ave. Ocala, FL 34480, and the legal description is provided within the application (see Attachment A). Currently the site is pre-existing nonconforming manufactured home park named JPP Silver Springs MHP with an allowance of 6 sites, all of which are full. The proposed zoning change would allow an expansion of the number of manufactured homes on the site from 6 to 20 due to the High Residential Land Use Designation, eight dwelling units per acre. The area is not served by centralized water or sewer and has limited access and connectivity with a road network being unpaved within this residential area. The site is located within the Urban Growth Boundary (UGB) as well as the Primary Springs Protection Overlay Zone (P-SPOZ).

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **Denial** of the rezoning application. Staff finds that allowing up to eight dwelling units per acre for a manufactured home park where the infrastructure is lacking due to unpaved roads, no pedestrian facilities, no centralized water or sewer would adversely affect public interest, is inconsistent with the Comprehensive Plan, and is not compatible with surrounding uses.

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 July 11, 2025. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on July 14, 2025, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on July 14, 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 the initial distribution of this staff report, no letters of opposition or support have been received.

IV. ANALYSIS

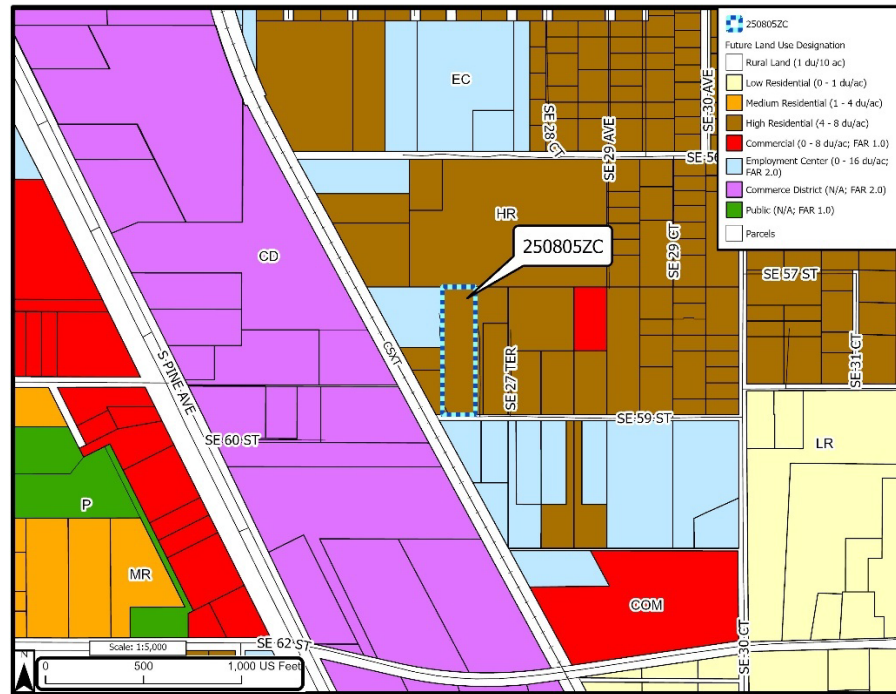
LDC Section 2.7.3.E.(2) provides that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding that granting the rezoning will not adversely affect the public interest, but that the proposed zoning change is not consistent with the current Comprehensive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

A. *How is the request compatible with surrounding uses?*

Compatibility is defined 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 is a general location aerial displaying existing and surrounding site conditions.

Figure 2 shows the subject property as well as properties to the east, southwest, and north as being designated High Residential with Employment Center to the south and northwest.

Figure 2
FLUMS Designation



The site is located within the Urban Growth Boundary as well as the Primary Springs Protection Overlay Zone (P-SPOZ)

Figure 3 displays the current zoning for the subject property in relation to the existing zoning of the surrounding properties while Figure 4 displays the proposed zoning relative to that of the parcels surrounding it. The area surrounding the subject parcel is similarly zoned R-4 allowing site-built homes as well as modular and mobile homes. There is a parcel on the south side of SE 59th St. that is zoned P-MH but that parcel was not the result of a zoning change, this was the initial zoning classification provided to the parcel. Any properties in the surrounding area with multiple mobile homes on them are similarly zoned R-4 and are operating as a legally non-conforming use meaning they are allowed to exist “as-is” but are not permitted to increase the intensity or density of that non-conformity. The proposed zoning change would be unlike the surrounding uses and would result in spot zoning.

A zoning change request for the same property and the same zoning classification was heard by the Board of County Commissioners on 1998 (Attachment C Page 26-28). The applicant at the time was trying to rezone the property from R-4 to P-MH for the same intended use of adding more mobile homes to the property. At the time, the applicant stated this was to come into compliance with the state regarding mobile home parks. However, the other option was to remove two mobile homes to be in compliance with the county’s land use and this would not require the state approval as it would be within the allowable density (Attachment C Page

27). The applicant additionally stated that due to the cost, it was not feasible to install a water treatment plant to serve the park. Planning & Zoning board as well as the Board of County Commissioners agreed that the request was not compatible with the surrounding land uses and would adversely affect the public interest and recommended denial. The P&Z hearing minutes cite issues with wear and tear on the dirt road with existing stormwater issues, lack of justified need, and a loss of neighborhood unity with the potential for frequent resident turnover in the park (Attachment C Page 2).

Figure 3
Existing Zoning Classification

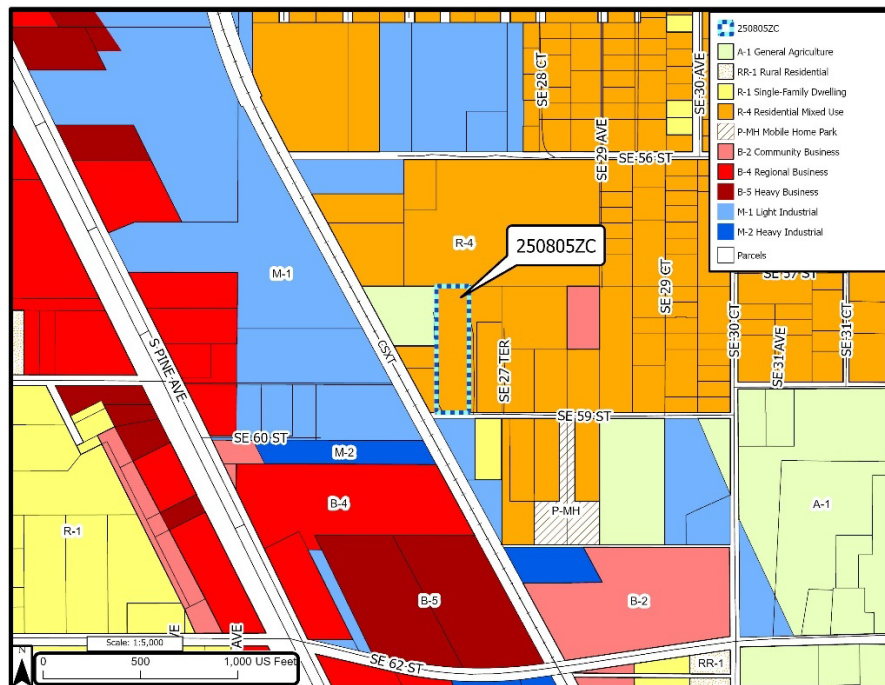


Figure 4
Proposed Zoning Classification

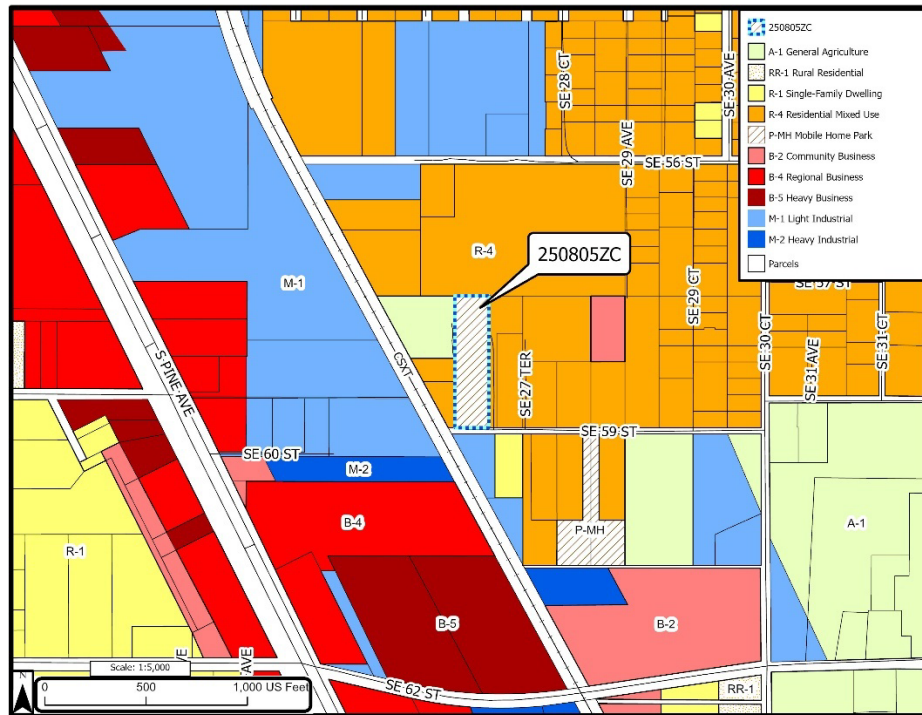


Figure 5 provides an aerial image of the subject property and surrounding area, while Figure 6 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

- A. Table A displays the information of Figures 2, 3, and 6 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit on July 14, 2025 and found the property developed with the existing homes being towards the rear (north) of the property. The portion of property fronting on SE 59th St. is heavily vegetated and conceals view in to the property almost entirely. To the southwest is the CSX railroad with single-family homes to the west, east, and south of the property.

Figure 5
Property Aerial



Figure 6
Existing Use per Property Appraiser Property Code

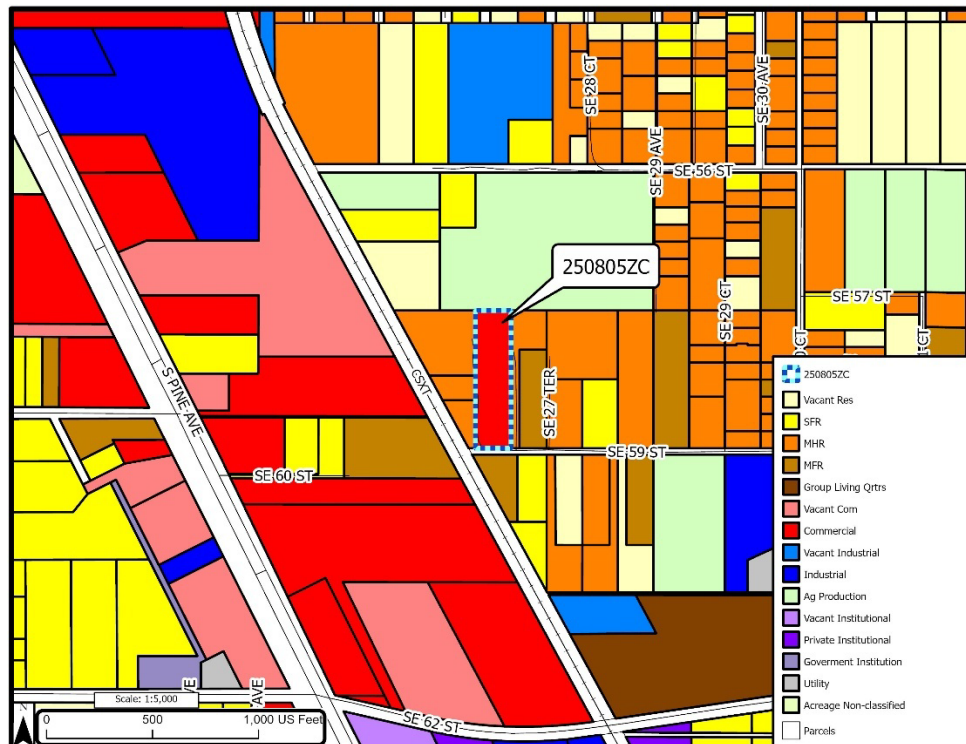


TABLE A. Adjacent Property Characteristics			
Direction	FLUM Designation	Zoning Classification	Existing Use per Property Appraiser Code
North	High Residential (HR)	Mixed Residential (R-4)	Ag Production
South	Employment Center (EC)	Light Industrial (M-1)	Multi-family (Home + guest cottage)
East	High Residential (HR)	Mixed Residential (R-4)	Manufactured Home
West	Employment Center (EC) High Residential (HR)	General Agriculture (A-1) Mixed Residential (R-4)	Manufactured Home

Based on the above findings, the proposed rezoning application is **not compatible** with the existing and future surrounding land uses because the change looks to introduce a zoning that, based on today's standards, does not match the area or surrounding uses. The parcel is currently operating as legally non-conforming, to grant a rezoning that allows the non-conforming use would then introduce a non-conforming zoning classification to the area.

How does the request affect the public interest?

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. The property fronts on SE 59th Street, an unpaved subdivision local road maintained by Marion County. Traffic did not provide any comments on the rezoning. Using the ITE 10th Edition Trip Generation Planner, staff was able to find that based on the maximum of 20 units for 2.51 acres of high residential, the parcel could generate up to 100 daily trips with five peak AM and 9 peak PM trips.
 - b. Public transit. There are currently no fixed route services available in the area.
 - c. Other mobility features. No sidewalks currently exist on this portion of SE 59th St. Therefore, the application would not adversely affect the public interest.

Based on the above findings, the rezoning roadway **impacts may 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 up to 7,500 gallons but the property is not served by central water and is instead currently served by well. The nearest available water connection to this site was provided in DRC comments from Utilities as being approximately 6,500 feet away. Department of Health (DOH) provided comments on the rezoning and stated the following, "This will require an updated application for the MHP and limited use water system permits through the DOH in Marion County (Attachment D)." **Potable water impacts 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 5,500 gallons if required to connect to central sewer services. The property is currently served by septic but based on the proposed development and LDC Section 6.14.2.C.(2)(a), "New residential developments with five or more ERCs shall be serviced by a decentralized wastewater treatment system." DOH also provided notes regarding the on-site septic, "The addition of a new MH will require a to-scale site plan of the park and proposed new space. This will require a septic permit through the Department of Environmental Protection (DEP)." **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. A commercial/industrial level of service standard is not currently in place for Marion County as such operations are required to provide for individual commercial collection wherein disposal within Marion County is alternatively addressed. 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. A commercial/industrial level of service standard is not currently in place for Marion County. Based on the current and intended uses being commercial in nature, **recreation impacts would not adversely affect the public interest.**
6. Stormwater/drainage. Stormwater Element Policy 1.1.1 adopts varying levels of service standards based on the characteristics of the development site. The site includes flood prone areas located near the southern end of the property as well as the northwest portion of property. Stormwater notes in DRC comments (Attachment C) that the parcel is at roughly 7,500 sq. ft.

of impervious and will require a major site plan review when 9,000 sq. ft. is met or exceeded. Based on the above, the rezoning **stormwater/drainage impacts would not adversely affect the public interest.**

7. Fire rescue/emergency services. The site is officially located in the service district for Shady Fire Station #16, located at 7151 S. Magnolia Ave., Ocala, approximately three (4) miles southwest of the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services. Still, Marion County has established a 5-mile drive time 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 Sherriff substation is the Marion Oaks District Office located approximately 2.4 miles southeast of the subject property at 3260 SE 80th St., Ocala. 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 may adversely affect the public interest.**
9. Public schools. local school zones include Shady Hill Elementary (87%), Belleview Middle (108%), and Forest High (103%) with corresponding capacity figures from 60th day of the '24- '25 school year. While there are areas of localized overcrowding within the county, overall, Marion County Public Schools (MCPS) currently has sufficient district-wide capacity; further, MCPS is examining school capacities and is currently undertaking the construction of new public schools. Therefore, the application's public-school impacts **would not adversely affect the public interest.**

When weighing the totality of the circumstances, the added trips to the dirt roads, increase of wells, and need of a decentralized wastewater treatment system, the **public interest will be adversely affected.**

B. *How is this request consistent with the Comprehensive Plan?*

1. FLUE Policy 1.1.6: Buffering of Uses provides, "The County shall require new development or substantial redevelopment to provide buffering to address compatibility concerns and reduce potential adverse impacts to surrounding properties, as further defined in the LDC."

Analysis: The zoning change requested, if approved, would be a substantial redevelopment looking to expand the manufactured housing park use and requiring the property to meet today's standards for development. There are two parcels in the area, both commonly owned and contiguous, that are zoned P-MH such as the request being made. Even those parcels are being used residentially for a single manufactured house.

The need to expand is not justified and to allow the zoning would create issues of compatibility for surrounding properties being used residentially for single-family homes and privately owned. While the current use of the property is recognized as legally non-conforming, to allow a change in zoning that encourages increased intensity would create issues regarding buffering of uses. Therefore, the proposed rezoning is **not consistent** with FLUE Policy 1.1.6.

2. FLUE Policy 4.1.2 on Conflicts between Comprehensive Plan, Zoning, and LDC provides, "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: While HR land use would be compatible with a P-MH zoning, the conflict with this application is the zoning of the surrounding area. The area surrounding the subject parcel consists of R-4 and A-1, single-family dwelling classifications. The zoning classification is unlike that of the zoning surrounding, making the zoning the more stringent regulation in this case. The proposed rezoning would be **not consistent** with FLUE Policy 4.1.2.

3. 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 July 28, 2025, Planning and Zoning Commission, and, therefore, the application is **consistent** with this FLUE Policy 5.1.3.

4. 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, therefore, the application is being processed **consistent** with FLUE Policy 5.1.4.

Based on the totality of the above findings, the proposed rezoning is **not 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, amend the findings and conclusions contained herein so as to support a recommendation for the denial of the Ordinance, and make a recommendation to adopt a proposed Ordinance to **APPROVE** 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 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.

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 make a recommendation to **DENY** the proposed rezoning because the application:

- A. Will adversely affect public interest;
- B. Is not consistent with the Comprehensive Plan provisions because it is not in conformance with:
 - 1. FLUE Policies: 1.1.6, 4.1.2,
- C. Is incompatible with the surrounding uses because the proposed rezoning would introduce spotty zoning to an area of predominantly single-family homes.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

Denial.

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

IX. LIST OF ATTACHMENTS

- A. Rezoning application.
- B. Site and Area Photographs.
- C. Historical Information
- D. DRC Comments.
- E. Surrounding Property Owners Notification.