



**Marion County
Board of County Commissioners**

Growth Services

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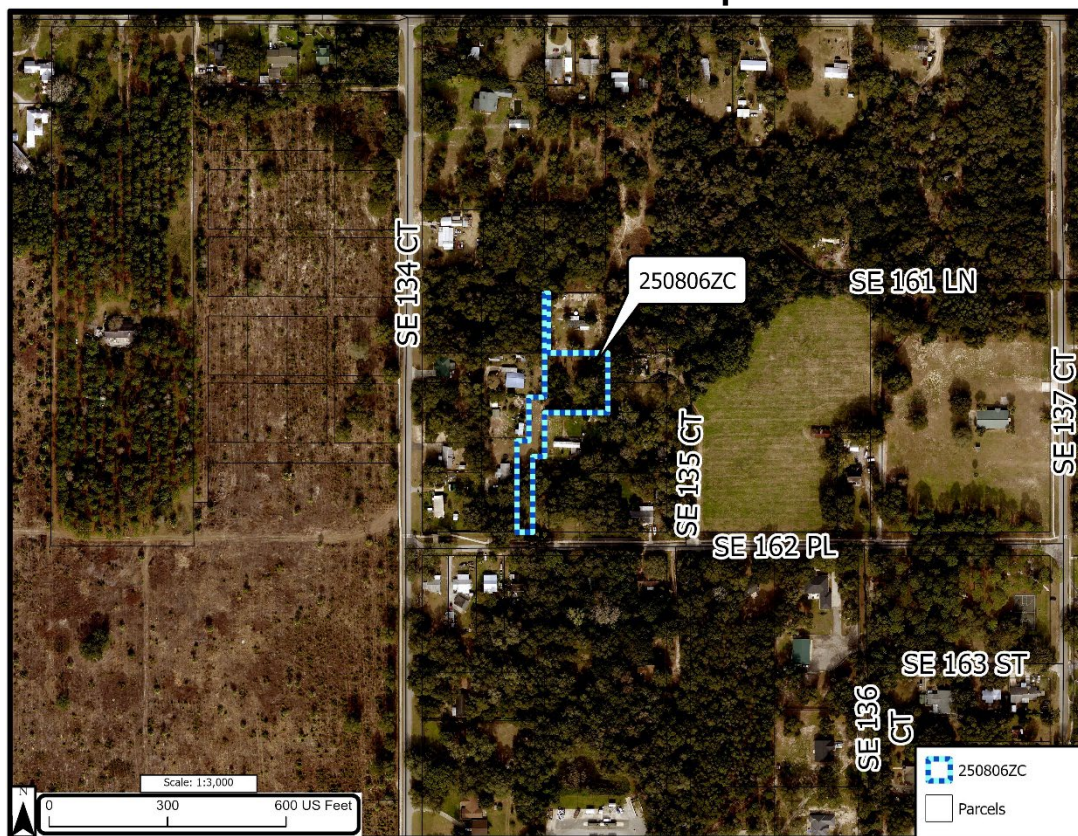
**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 7/28/2025	BCC Date: 8/18/2025
Case Number	250806ZC
CDP-AR	32800
Type of Case	Rezoning portion from Single-Family Dwelling (R-1) to Mixed Residential (R-4).
Owner	Brandon Winter & Ashley Winter
Applicant	N/A
Street Address/Site Location	No address assigned
Parcel Number(s)	4988-001-001
Property Size	±0.93 AC
Future Land Use	Medium Residential (MR) & High Residential (HR)
Existing Zoning Classification	Single-Family Dwelling (R-1) & Mixed Residential (R-4)
Overlays Zones/Special Areas	Environmentally Sensitive Overlay Zone (ESOZ) & Secondary Springs Protection Zone (SSPZ)
Staff Recommendation	APPROVAL
P&Z Recommendation	APPROVAL
Project Planner	Jared Rivera-Cayetano
Related Cases	None

I. ITEM SUMMARY

Brandon & Ashley Winter filed a rezoning application to change a portion of a ±0.93-acre property from Single-Family Dwelling (R-1) to Mixed Residential (R-4). The Parcel Identification Number for the subject property is 4988-001-001; the site has not been assigned an address. Located within the Star Land subdivision, the legal descriptions are provided within the rezoning application (see Attachment A). The site is located within an Environmentally Sensitive Overlay Zone (ESOZ) and within the Secondary Springs Protection Zone (PSPZ). The site is located outside the Urban Growth Boundary (UGB). The intention of this zoning change is to construct a manufactured home. The applicant plans to construct within the section of the property currently zoned R-1. A section of the property is currently zoned for R-4; however, this section is relatively narrow for a residential unit, considering requirements such as setbacks. An R-4 zoning classification across the entire property would ultimately allow a type of residential structure that is compatible with the surrounding area. The applicant does not currently plan to construct any other structure on this property.

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning application. Staff finds Mixed Residential (R-4) zoning would allow a type of structure that is compatible with the surrounding area.

The applicant proposes a density consistent with the Future Land Use (FLU) designation of Medium Residential (MR). Approving this request would ultimately give the property a zoning classification that will not adversely affect the public interest, is consistent with the Marion County Comprehensive Plan, and is compatible with land uses in the surrounding area.

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 (28 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 18, 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. Two (2) letters of opposition from one (1) resident have been received at this time.

IV. ANALYSIS

LDC Section 2.7.3.E.(2) provides that in making a recommendation to the Board, the 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 Area*

"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, above, is a general location aerial displaying existing and surrounding site conditions.

Figure 2, below, displays shows the location of nearby subdivisions. Part of Star Land subdivision, the subject property has an irregular shape. The Benja Ranchette subdivision is located directly southeast of the subject property. The Star Land and Benja Ranchette subdivisions are surrounded by the much larger Revised South Lake Weir subdivision. Several of the rights-of-ways produced by the Revised South Lake Weir subdivision are vacant with heavy vegetation, as well as no established roads

Figure 2
Existing Subdivisions

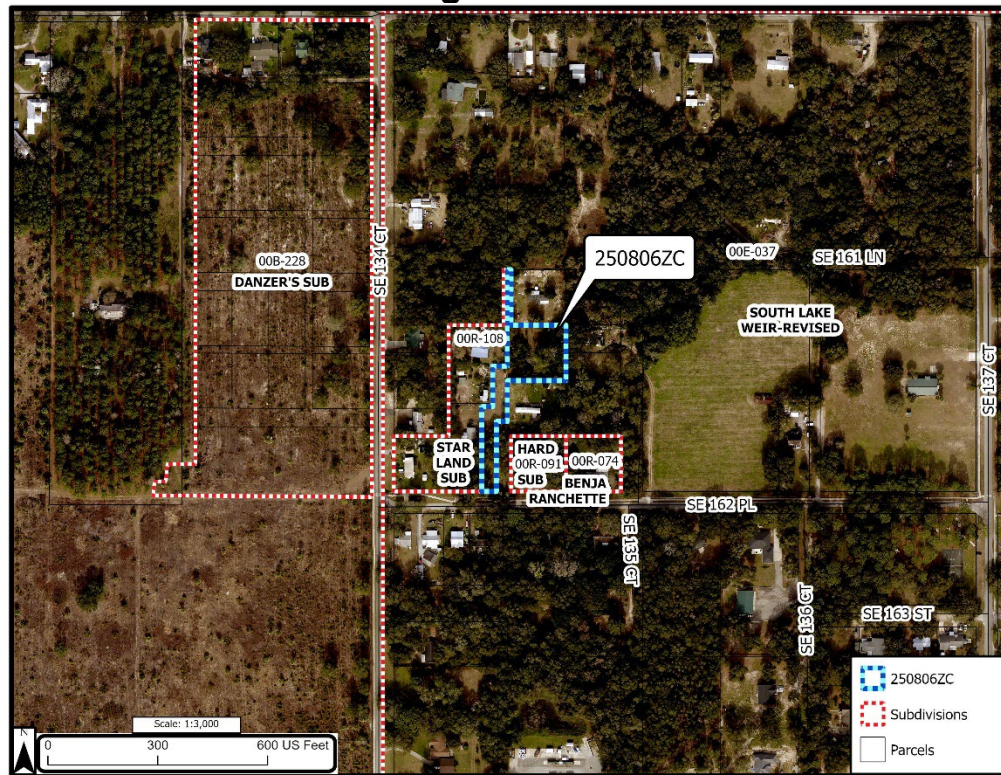


Figure 3, below, shows the Future Land Use (FLU) designation of the subject property, designated as Medium Residential (MR) and High Residential (HR). Notably, the latter aligns with the boundaries of the Star Land subdivision. The surrounding properties are all within an Environmentally Sensitive Overlay Zone (ESOZ) and within the Secondary Springs Protection Overlay Zone (SSPOZ). All properties are outside the Urban Growth Boundary (UGB).

**Figure 3
FLUMS Designation**

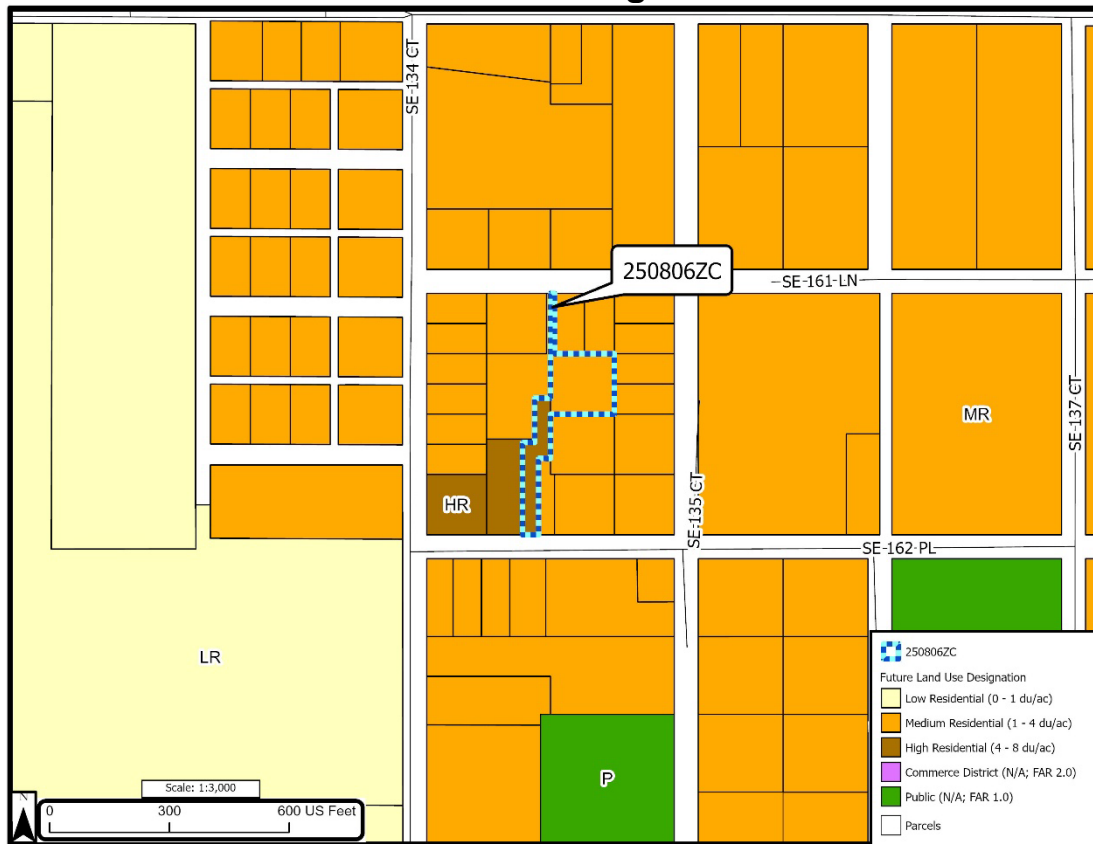


Figure 4, below, displays the existing zoning classifications for the subject properties in relation to the existing zoning classifications of the surrounding properties, and Figure 5 shows the zoning classification proposed by the applicant.

In general, the subject property's North, West, East, and South—whether in the Star Land, Benja Ranchette, or Revised South Lake Weir subdivisions—are all zoned for residential uses. Notably, however, High Residential (HR) zoning aligns with the boundaries of the Star Land subdivision.

Figure 4
Zoning Classification

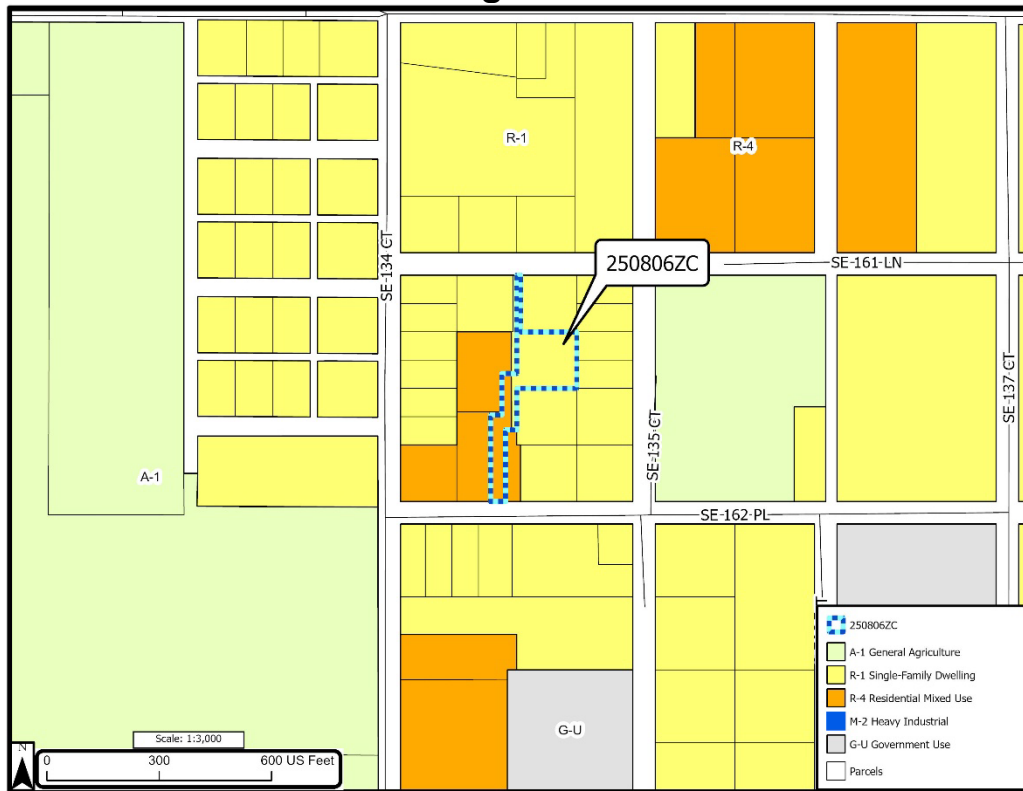


Figure 5.
Proposed Zoning Classification

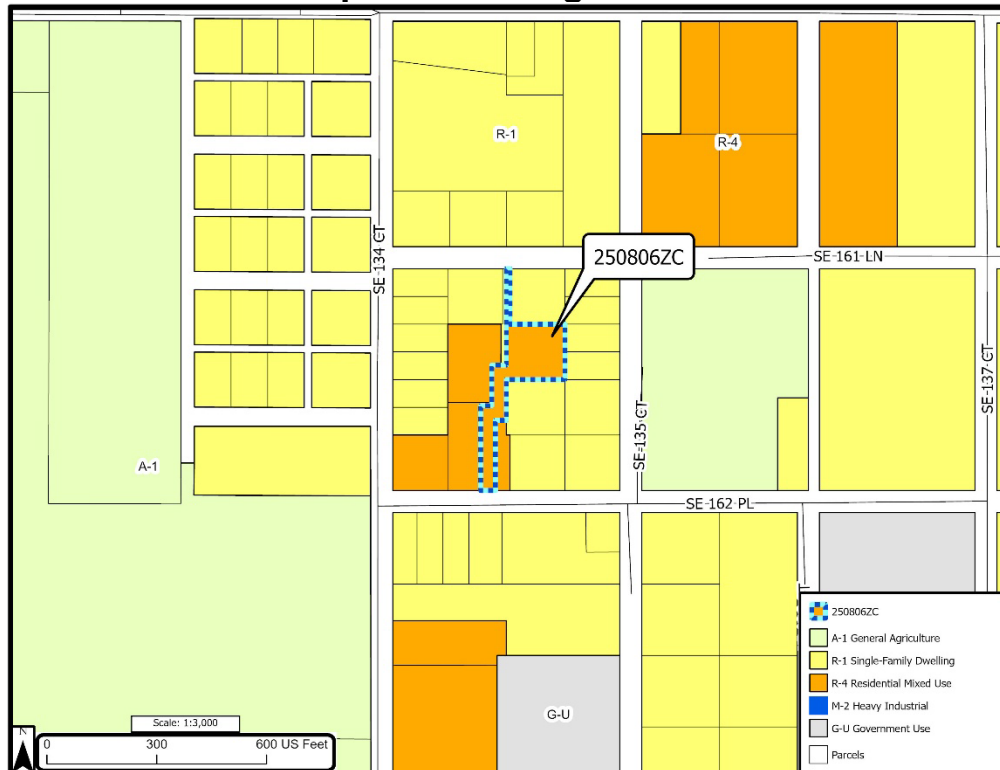


Figure 6, below, displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

Figure 6.
Existing Use per Property Appraiser Property Code



Table A, below, assembles the information in Figures 3, 4, 5, and 6 in tabular form. In general, the area directly adjacent to the subject property is residential. Specifically, properties sitting directly to the North, West, and East of the subject property are characterized by mobile home residential, with some parcels characterized as vacant residential. Parcels to the South of the subject property are single-family residential. There are several large property characterized by agricultural production along SE 134th Court, located to the west of the South Lake Weir subdivision.

Consistent with LDC Section 2.7.3.D, staff conducted a site visit on July 18, 2025 and found that the subject property contains thick vegetation on the frontage along SE 162nd Place, approximately forty (40) feet in width. A dirt road to the east of the subject property (PID 4985-021-000) is used for access. This dirt road is also used by another property directly to the south of the subject property for access (PID 4985-023-000). The property itself is currently vacant, with several trees and other vegetations present on-site. Site photos are attached to this report (see Attachment C).

TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	MCPA Existing Use
Subject Property	Medium Residential (MR) & High Residential (HR)	Single-Family Dwelling (R-1) & Mixed Residential (R-4)	Vacant Residential
North	Medium Residential (MR) & High Residential (HR)	Single-Family Dwelling (R-1) & Mixed Residential (R-4)	Mobile Home Residential & Vacant Residential
South	Right-of-Way & Medium Residential (MR)	Right-of-Way & Single-Family Dwelling (R-1)	Single Family Residential
East	Medium Residential (MR)	Single-Family Dwelling (R-1) & Mixed Residential (R-4)	Mobile Home Residential & Vacant Residential
West	Medium Residential (MR) & High Residential (HR)	Single-Family Dwelling (R-1) & Mixed Residential (R-4)	Mobile Home Residential

Based on the above findings, the proposed rezoning application is **compatible** with the existing and future surrounding land uses.

B. Effect on Public Interest

1. Transportation impacts. These include roadways, public transit, and other mobility features. No concerns were indicated by the Office of the County Engineer.
 - a. Roadways. The subject parcel is located along SE 162nd Place, a local subdivision road maintained by Marion County. Realistically, both the current and proposed zoning would allow up to two (2) dwelling units, along with its associated trips. The current R-1 zoning would allow up to a single residential unit and a single guest home, while the proposed R-4 zoning would allow up to a two-family residential structure. The applicant, however, has indicated to construct, at most, a single manufactured home in the subject property.
 - b. Public transit. There are no fixed route services in the area.
 - c. Other mobility features. Sidewalks currently exist along SE 162nd Place.

Based on the above findings, the transportation impacts of the rezoning request, if approved, **would not adversely affect the public interest.**

Zoning	Units	Trip Rate (per unit)	Estimated Daily Trips
Existing: Single-Family Dwelling (R-1)	1 dwelling unit + 1 guest home	9.44 trips/day (ITE code 210) x 2	± 20 trips/day
Proposed: Mixed Residential (R-4)	2 dwelling units	9.44 trips/day (ITE code 210) x 2	± 20 trips/day

Source: ITE Trip Generation Manual, 10th Edition, LU Code 210-Single Family Detached Housing

2. Potable water impacts. Potable Water Element Policy 1.1.1 adopts a level of service (LOS) standard of approximately 150 gallons per person per day for residential demand and 2,750 gallons per acre per day for non-residential demand. Since a single manufactured home is proposed at this time, the proposed rezoning would result in a potential demand of 600 gallons per day, assuming four-person household.

The property is within the Marion County service area and is currently within connection distance. Any new development will be required to connect to the County water system. Due to the irregular shape of the lot, longer-than-usual lines may be required for a potential residential unit, to be determined during the permit review process. Based on the above findings, if approved, the potable water impacts of the rezoning request **would not adversely affect the public interest.**

3. Sanitary sewer impacts. Sanitary Sewer Element Policy 1.1.1 adopts a LOS standard of approximately 110 gallons per person per day for residential demand and 2,000 gallons per acre per day for commercial and industrial demand. Given that a single manufactured home is proposed at this time, the proposed rezoning would result in a potential demand of 440 gallons per day, assuming four-person household.

The property is outside connection distance. Any new development shall meet County wastewater standards, including for septic tanks, at the time of permit review. Based on the above findings, if approved, the wastewater impacts of the rezoning request **would not adversely affect the public interest.**

4. Solid waste impacts. SWE Policy 1.1.1 provides "The LOS standard for waste disposal shall be 6.2 pounds of solid waste generation per person per day. Given that a single manufactured home is proposed at this time, the proposed rezoning would generate about 24.8 pounds of solid waste per day, assuming four-person household. In comparison, any non-

residential use would likely generate more total waste. Based on the above, the solid waste impacts of the rezoning request, if approved, **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. Given that a single manufactured home is proposed at this time, the recreation impacts of the rezoning request **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 is indicated to be entirely within FEMA flood zone X. Any development of the site that undergoes Marion County's formal site review processes will be required to comply with a 100-year frequency 24-hour duration design storm. If the proposed impervious coverage exceeds 9,000 SF, the site would be subject to the Major Site Plan review process. Based on the above, the stormwater/drainage impacts of the rezoning request, if approved, **would not adversely affect the public interest.**
7. Fire rescue/emergency services. The Weirsdale Fire Station #16, located at 16355 S Hwy 25, Weirsdale, FL 32195 is less than a mile (by automobile) southeast of the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services. Staff has established a 5-mile drive time from the subject property as evidence of the availability of such services. Based on the above, the fire rescue/emergency impacts of the rezoning request, if approved, **would not adversely affect the public interest.**
8. Law enforcement. The nearest Sheriff's substation is located roughly 5 miles (by automobile) northeast of the subject property at 13985 SE Hwy 25, Ocklawaha, FL 32179. The Comprehensive Plan does not establish a level of service standard for law enforcement services; however, staff has established a 5-mile radius from the subject property as evidence of the availability of such services. Based on the above, the law enforcement impacts of the rezoning request, if approved, **would not adversely affect the public interest.**
9. Public schools. The applicant has indicated that if the proposed zoning change is approved, only a single manufactured home would be built. Therefore, the public schools impacts of the rezoning request, if approved, **would not adversely affect the public interest.**

When weighing the totality of the circumstances, **the public interest will not be adversely affected** if this rezoning request is approved.

C. *Consistency with the Comprehensive Plan*

1. **Policy 2.1.8** on Medium Residential (MR) provides, "This land use designation is intended to recognize areas suited for primarily single-family residential units within the UGB, PSAs and Urban Area. However, the designation allows for multifamily residential units in certain existing developments along the outer edges of the UGB or Urban Area. The density range shall be from one (1) dwelling unit per one (1) gross acre to four (4) dwelling units per one (1) gross acre, as further defined in the LDC. This land use designation is an Urban Area land use."

Analysis: The subject site is designated as Medium Residential (MR) and the applicant indicates plans for a single manufactured home within a ± 0.93 -acre property, thereby maintaining a density greater than one (1) dwelling unit per one (1) acre. This use thus aligns with the intent of the Medium Residential use and is consistent with Policy 2.1.8.

2. FLUE 3.1.5 on Urban Areas outside of UGB provides, "The County shall maintain existing Future Land Use designations that have been previously adopted that are outside of the UGB to recognize vested development rights. Any expansion or creation of new Urban Areas outside the UGB shall require a Comprehensive Plan Amendment, analysis to demonstrate the potential need for the creation of such new Urban Areas, and other appropriate documentation in accordance with Policy 3.1.3. It shall not be necessary to modify the UGB to expand or create Urban Areas outside the UGB unless the expansion or creation of new urban area is within the FPA."

Analysis: Part of Star Land subdivision and surrounded by the revised South Lake Weir subdivision, most of the subject property has a Future Land Use (FLU) designation of Medium Residential (MR). The applicant indicates plans for a single manufactured home within a ± 0.93 -acre property, thereby maintaining a density as required by the subject site's Medium Residential (MR) designation. The applicant therefore maintains the intention of an urban Future Land Use (FLU) designation that had been previously adopted outside of the UGB. No expansion or creation of an Urban Area will be required in this rezoning case. Therefore, this rezoning request meets the criteria above and is **consistent** with FLUE Policy 3.1.5.

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 purpose of the advisory board 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 was heard on July 28, 2025 by the Planning and Zoning Commission. Therefore, the application is **consistent** with 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 above findings, granting the proposed rezoning request **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 make a recommendation to **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 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 Planning & Zoning (P&Z) Commission 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 **APPROVE** the proposed rezoning because approving the application:

- A. Will not adversely affect the public interest;
- B. Is consistent with the Comprehensive Plan provisions because it is in conformance with FLUE Policies 2.1.8, 3.1.5, 5.1.3, and 5.1.4;

and
- C. Is compatible with the surrounding uses.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

APPROVAL.

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined. Scheduled for August 18, 2025 at 1:30 PM.

IX. LIST OF ATTACHMENTS

- A. Application
- B. DRC Comments Letter
- C. Site Photos