



**Marion County  
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>P&amp;Z Date: 07/29/2024</b>	<b>BCC Date: 08/20/2024</b>
<b>Case Number</b>	240810ZC
<b>CDP-AR</b>	31567
<b>Type of Case</b>	<b>Rezoning</b> from Single-Family Dwelling (R-1) to Residential Agricultural Estate (A-3) for all permitted uses.
<b>Owner</b>	Brandon Jimerson & Bobbie Stutts
<b>Applicant</b>	Brandon Jimerson & Bobbie Stutts
<b>Street Address/Site Location</b>	No site address – SE 122 <sup>nd</sup> Place, North of E. Hwy 25 and Lake Weir.
<b>Parcel Number(s)</b>	48948-000-00
<b>Property Size</b>	±4.34-acres
<b>Future Land Use</b>	Rural Land (RL)
<b>Existing Zoning Classification</b>	Single-Family Dwelling (R-1) Residential Agricultural Estate (A-3)
<b>Overlays Zones/Special Areas</b>	Springs Protection Overlay Zone (SPOZ), Environmentally Sensitive Overlay Zone (ESOZ)
<b>Staff Recommendation</b>	<b>APPROVAL</b>
<b>P&amp;Z Recommendation</b>	<b>APPROVAL (on consent)</b>
<b>Project Planner</b>	Kathleen Brugnoli, Planner II
<b>Related Cases</b>	None

## I. ITEM SUMMARY

Brandon Jimerson & Bobbie Stutts, property owners, filed a rezoning application to change a ±4.34-acre parcel from Single-Family Dwelling (R-1) to Residential Agricultural Estate (A-3) on May 21, 2024 (see Attachment A). The Parcel Identification Number for the property is 48948-000-00; the site has no address as it's undeveloped but is located on the north side of SE 122<sup>nd</sup> Place and the legal description is provided within the application (see Attachment A). The subject property lies approximately 0.25 miles north of Lake Weir and roughly 0.38 miles east of Hwy 464. The site is located within the Secondary Springs Protection Zone (SSPZ) as well as the Environmentally Sensitive Overlay Zone (ESOZ). The application proposes the change for the intended use of raising animals, growing fruits & vegetables, and placing a manufactured home for their residence.

**Figure 1**  
**General Location Map**



## II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning application. The change will not adversely affect public interest, is consistent with the Comprehensive Plan, and compatible with the surrounding land 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 (10 owners) within 300 feet of the subject property on July 12, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on July 15, 2024 and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on July 15, 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.

### 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. *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 all surrounding properties designated as Rural Land (R-1) with the parcels east and south being Medium Residential (MR). The properties in the area are outside the urban growth boundary (UGB) and within the Environmentally Sensitive Overlay Zone (ESOZ) as well as the Secondary Springs Protection Zone (SSPZ).

**Figure 2**  
**FLUMS Designation**

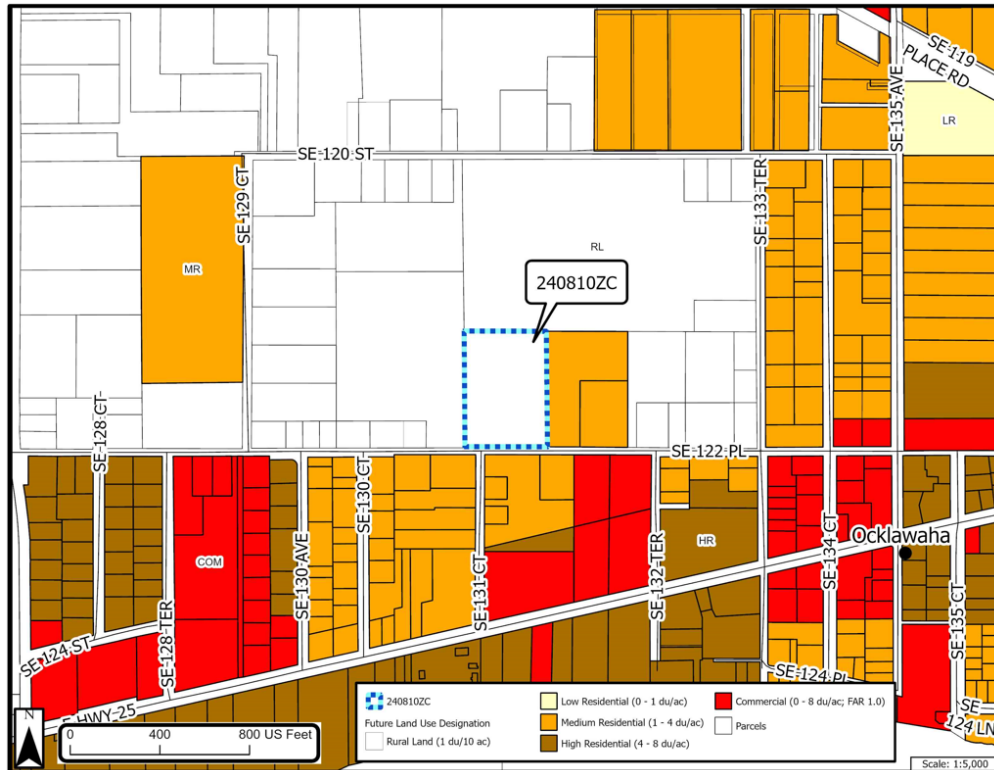


Figure 3 displays the zoning for the subject property in relation to the existing zoning of the surrounding properties and Figure 4 shows the proposed zoning. North, east, and west of the subject site are residential zoning classifications with the western properties being agriculturally zoned, the same as the request being made.

Being outside of the UGB and within the ESOZ would make this an area where a decreased density and/or intensity would be encouraged. Additionally, Figure 5 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

**Figure 3  
Zoning Classification**

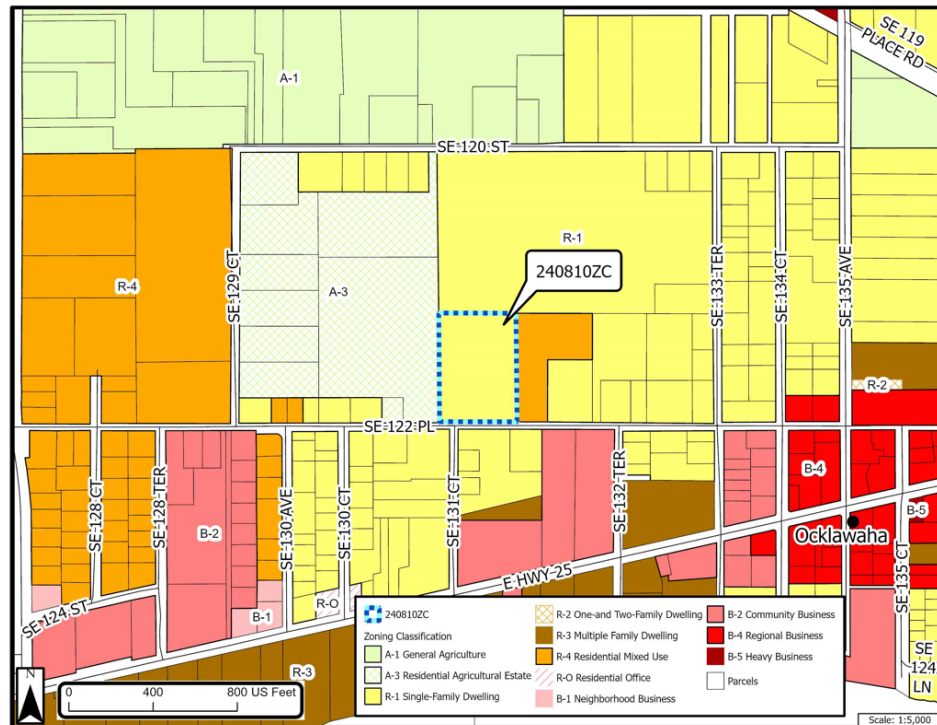
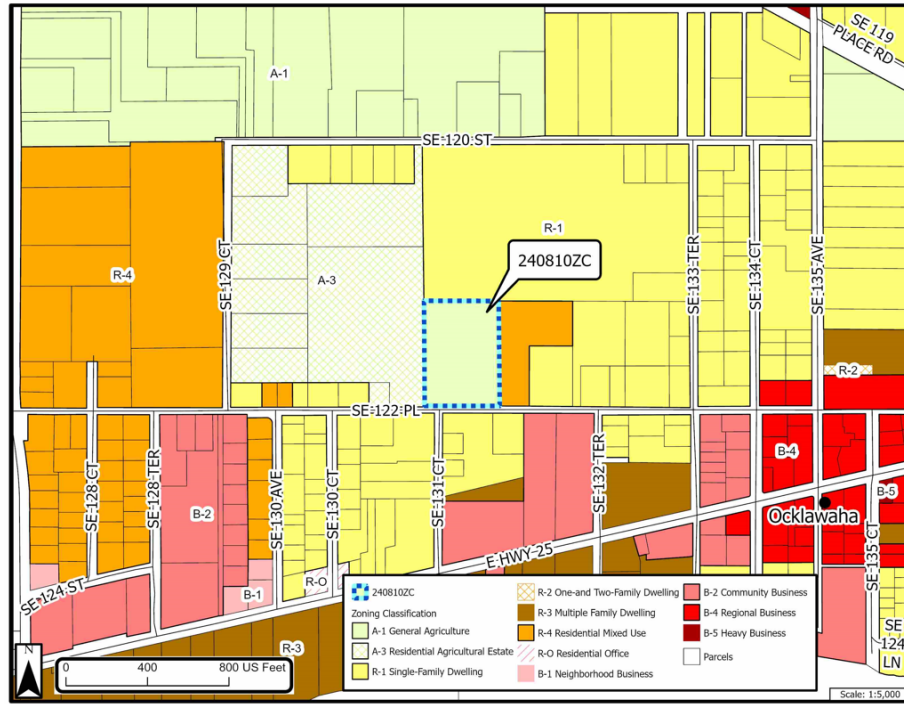


Figure 5 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

Table A displays the information of Figures 2, 3, and 5 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit and finds the subject property as undeveloped with a large number of trees on-site and bordering the right-of-way (Attachment B). The parcel is developed on either side with residential homes and fronts a minor local paved road maintained by the county, SE 122<sup>nd</sup> Place. Worth noting there appears to be a hole that has been dug near the center of the property. This was mentioned by Landscape in their DRC Comments (Attachment C) but was confirmed by staff in their site visit. The intention of this is unknown and the owner/applicant would have to explain what this is for. The property is a street north of E Hwy 25 and the goods and services provided on the main road through Ocklawaha. SE 122<sup>nd</sup> Place also connects with SE Hwy 464 to the west providing multiple points of ingress/egress depending on the desired direction.

**Figure 4  
Proposed Zoning Classification**



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

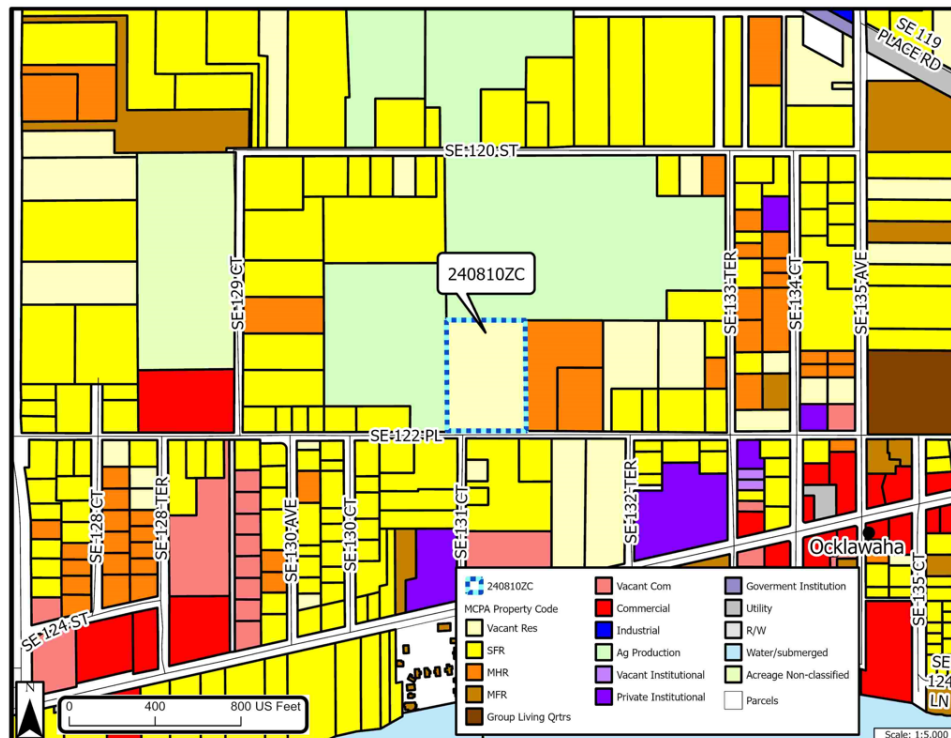


TABLE A. Adjacent Property Characteristics			
Direction	FLUM Designation	Zoning Classification	Existing Use per Property Appraiser Code
North	Rural Land (RL)	Single-Family Dwelling (R-1)	Timberland
South	Medium Residential (MR)	Single-Family Dwelling (R-1)	Improved Residential
East	Medium Residential (MR)	Mixed Residential (R-4)	Improved Mobile Home
West	Rural Land (RL)	Residential Agricultural Estate (A-3)	Grazing Land

The rezoning site lies north of C25, within Ocklawaha, and approximately 0.38-miles east of SE Hwy 464. The area is a mix of residential and agriculture uses with many of the R-1 zoned parcel being large, some even having agriculture classification through the Property Appraisers office. The property sits northwest of a small commercial node within Ocklawaha that includes local retail and services to the community such as a post office, chamber of commerce, grocery store, gas station, etc. The property is currently undeveloped, and the owner intends to live on-site, grow fruits and vegetables, and raise livestock.

Figure 5 provided by Marion County Property Appraiser shows the property uses, giving a more accurate picture of what's taking place in the area. North and west of the subject property are Agriculture uses, more specifically, Timberland. Other uses in the area are all residential in nature with a mix of site built and mobile homes.

Based on the above findings, the proposed rezoning application is **compatible** with the existing and future surrounding land uses. The intent for both residential and agricultural uses matches the area and the development surrounding it and would not negatively impact the surrounding neighbors. Additionally, the residential structure desired is similarly developed on the contiguous parcel to the east, further substantiating the proposed use is compatible.

*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 SE 122<sup>nd</sup> Place, a minor local road maintained by Marion County. The request will not allow any additional residences compared to its current zoning.
  - b. Public transit. There are no fixed route services in the area.

- c. Other mobility features. No sidewalks currently exist along 122<sup>nd</sup> Loop. In the event that sidewalks were required, the developer may elect to provide for a fee-in-lieu of construction, as permitted by the LDC. 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's allowable density will not increase or decrease based on the rezoning as the number of allowable residences is the same for both R-1 and A-3 zonings. **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 264 gallons per day.

The property's allowable density will not increase or decrease based on the rezoning as the number of allowable residences is the same for both R-1 and A-3 zonings. **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 permitted density of one home on the property **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 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 **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 Marion County's Weirsdale Fire Station #27, located at 16355 S Hwy 25, roughly 5.3 miles southeast 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. The extended distance is unique to this parcel as it's due to the roadway extending around Lake Weir; this route is the shortest to reach the parcel and this is the closest fire station. 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 located approximately one mile southeast of the subject property at 13985 SE Hwy 25. 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: Stanton-Weirsdale Elementary (103.74%), Lake Weir Middle (84.78%), Lake Weir High (69.09%). While there are localized areas of crowding within schools, the county has overall capacity available. Furthermore, the proposed rezoning will not create any higher density than what is allowed currently as both zonings allow a single-family dwelling. 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.**

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

1. FLUE Policy 2.1.5: Permitted and Special Uses - The County shall identify permitted and special uses for each land use designation and zoning classification, as further defined in the Comprehensive Plan, Zoning, and LDC.

**Analysis:** The owner/applicant states the intent of the property is for a mobile home residence, keeping of animals, and growing of fruit/vegetable crops. With the current zoning of R-1, these would not be uses permitted by right. The proposed A-3 zoning includes all of these uses as permitted and better fits the intent of the existing land use, Rural Land, and the future goals for the use of the area. The application is **consistent** with FLUE Policy 2.1.5.

2. 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:** The activities proposed to take place on this property, activities requiring the zoning change, look to encourage and help foster the vibrant rural economy in the area. This parcel is not located within the UGB or PSA and, if approved, will make this subject site compatible with the Rural Land use it currently has and will be a better fit than the current R-1 zoning that does not permit Agriculturally related uses. The application is **compatible** with FLUE Policy 2.1.6.

3. FLUE Policy 3.1.4: Rural Area Outside the UGB - 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 has a Rural Land Use and has historically had a Rural land use. The intent for this parcel was to be rural in nature and, likewise, its zoning. There is a mix of Agriculture and Residential zonings in this area but A-3 zoning exists contiguous to the property to the west. Single-Family Dwelling and Mixed Residential are also nearby but staff notes these zonings are not seen as conforming with their underlying Rural

land use by today's standards. This can be seen in areas of Marion County because Zoning and Land Use were each developed at a separate point in time and were not required to "match" once enacted. This parcel looks to take advantage of the rural nature of the area by developing a mobile home residence for the owner, growing produce, and raising livestock. These proposed uses intend to protect and encourage the existing rural character of the area by promoting new operation of agricultural activities on the property. The proposed rezoning would be **consistent** with FLUE Policy 2.1.1.

4. 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:** In this particular situation, the Comprehensive Plan is the more stringent regulation. The requested change would make both zoning and land use conforming and is consistent with FLUE Policy 4.1.2.

5. 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 is scheduled for the July 29, 2024 Planning and Zoning Commission and, therefore, the application is **consistent** with this FLUE Policy 5.1.3.

6. 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, 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 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 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 **APPROVE** the proposed rezoning because the application:

- A. Will not adversely affect the public interest as the impacts to public utilities and infrastructure will not change from the rezoning.
- B. Is consistent with the following Comprehensive Plan provisions:
  - 1. FLUE Policies 2.1.5, 2.1.6, 3.1.4, 4.1.2, 5.1.3, 5.1.4
- C. Is compatible with the surrounding uses.

## VII. PLANNING & ZONING COMMISSION RECOMMENDATION

Approval (on consent).

## VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

## IX. LIST OF ATTACHMENTS

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