



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 12/29/2025	BCC Date: 1/6/2026
Case Number	260103ZC
CDP-AR	33499
Type of Case	Rezoning from Single-Family Dwelling (R-1) to Rural Residential (RR-1).
Owner	Gustavo Fernandez
Applicant	N/A
Street Address/Site Location	14675 SE 70 th Avenue Road, Summerfield, FL 34491
Parcel Number(s)	46163-000-00
Property Size	±0.77 AC
Future Land Use	Rural Land (RL)
Existing Zoning Classification	Single-Family Dwelling (R-1)
Overlays Zones/Special Areas	Secondary Springs Protection Zone (PSPZ)
Staff Recommendation	APPROVAL
P&Z Recommendation	TBD
Project Planner	Jared Rivera-Cayetano
Related Cases	Code Case No. 827351

I. ITEM SUMMARY

Gustavo Fernandez filed a rezoning application to change the zoning of a ± 0.77 -acre property from Single-Family Dwelling (R-1) to Rural Residential (RR-1). The subject property is located at 14675 SE 70th Avenue Road, Summerfield, FL. The Parcel Identification Number for the subject property is 46163-000-00. The legal descriptions are provided within the rezoning application (see Attachment A). The site is located outside the Urban Growth Boundary (UGB) and within the Secondary Springs Protection Zone (SSPZ). The intention of this rezoning request is to allow a mobile home on the subject property. An RR-1 zoning classification is consistent with Comprehensive Plan intentions for the Rural Area and 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.

II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning application. Staff finds the proposed Rural Residential (RR-1) zoning classification is consistent with Comprehensive Plan intentions for the Rural Area. Staff believes the request is consistent with the Marion County Comprehensive Plan, compatible with the surrounding area, and will not adversely affect the public interest.

Figure 1
General Location Map



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 (26 owners) within 300 feet of the subject property on December 12, 2025. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on December 8, 2025, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on December 15, 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 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.

1. Zoning Classification. Figure 2 displays the existing zoning classifications for the subject properties in relation to the existing zoning classifications of the surrounding properties. Figure 3 shows the zoning classification proposed by the applicant.

In general, properties within the nearby L.C. Dillard's subdivision (see Figure 4) are zoned for residential uses. Several properties are specifically zoned Mixed Residential (R-4) zoning classification, allowing for mobile homes.

Mayo's Addition to Summerfield subdivision, between SE 70th Avenue Road/CSX railway and S US Highway 301, is located to the west of the subject property. Such properties are characterized by a mix of commercial, residential. Properties outside both subdivisions are zoned General Agriculture (A-1).

2. FLUMS Designation. Figure 5 shows the Future Land Use (FLU) designation of the subject property in relation to the existing FLU designation of the surrounding properties. In general, properties to the East of the subject property are designated as Rural Land (RL), although

properties at the intersection of S US Highway 301 and SE 147th Street are designated as Rural Activity Center (RL). Such designation extends along SE 147th Street to SE 70th Avenue Road, which is directly adjacent to the subject property.

3. Nearby Development. Figure 6 identifies nearby under-review, DRC-approved, or permitted residential developments. Although there are select large residential developments along major arterial and collector roads including SE 132nd Street Road, SE Highway 42, and S US Highway 44, there are no major development projects directly adjacent to the SE 147th Street/Place corridor.

Figure 7 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC). In general, properties to the East of the subject property are used for residential purposes. Staff notes several properties are characterized as Mobile Home Residential. Properties to the West of the subject property are used for a mix of commercial, industrial, and residential uses.

Consistent with LDC Section 2.7.3.D, staff conducted a site visit on December 8, 2025 and found that the subject property contains one (1) mobile home. The building is located towards the rear of the subject property. Several trees are located at the perimeter of the subject property. There are currently no paved driveways on-site. Site photos are attached to this report (see Attachment C).

Table 1, below, assembles the information in Figures 3, 4, 5, and 6 in tabular form. Staff notes that any development within the subject property will need to meet Rural Residential (RR-1) zoning standards, as provided in LDC Table 4.2-4, during permit review.

TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	MCPA Existing Use
Subject Property	Rural Land (RL)	Single-Family Dwelling (R-1)	Vacant Residential*
North	Rural Land (RL)	General Agriculture (A-1)	Vacant Residential
South	Right-of-Way & Rural Land (RL)	Right-of-Way & Single-Family Dwelling (R-1)	Right-of-Way & Multi-Family Residential
East	Right-of-Way & Rural Land (RL)	Right-of-Way & Mixed Residential (R-4)	Right-of-Way & Mobile Home Residential
West	Right-of-Way & Rural Activity Center (RAC)	Right-of-Way, Rural Activity Center, & Single-Family Dwelling (R-1)	Right-of-Way, Railway, Industrial & Commercial

* Staff notes that a mobile home had been placed on the subject property without building permit.

Figure 2
Zoning Classification

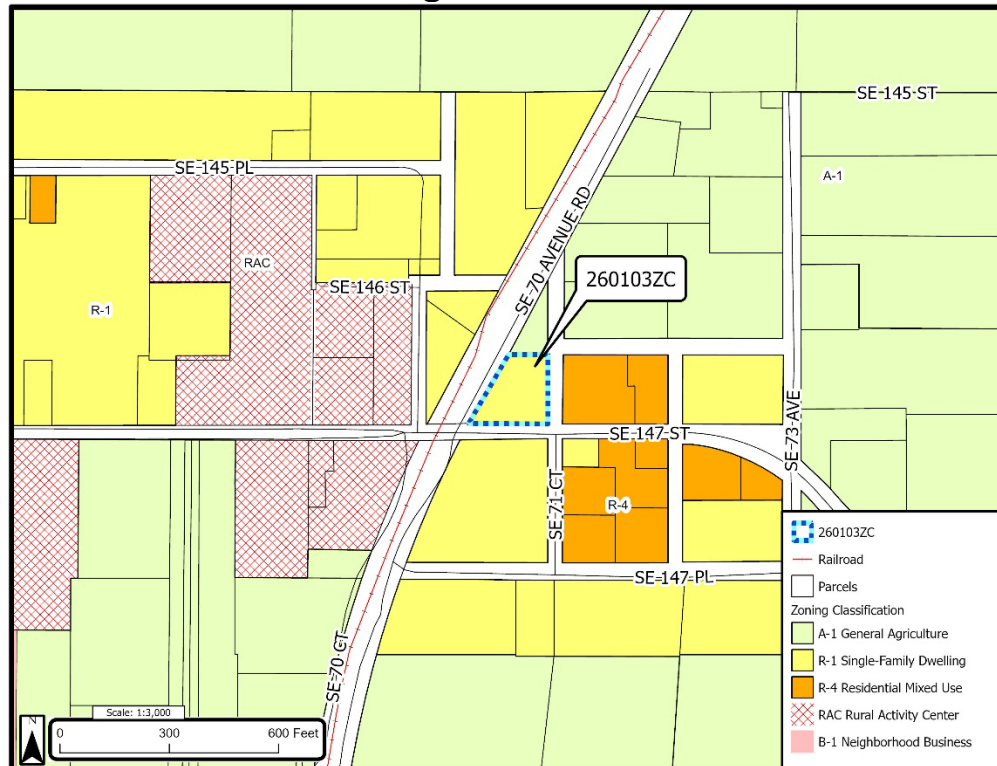


Figure 3
Proposed Zoning Classification

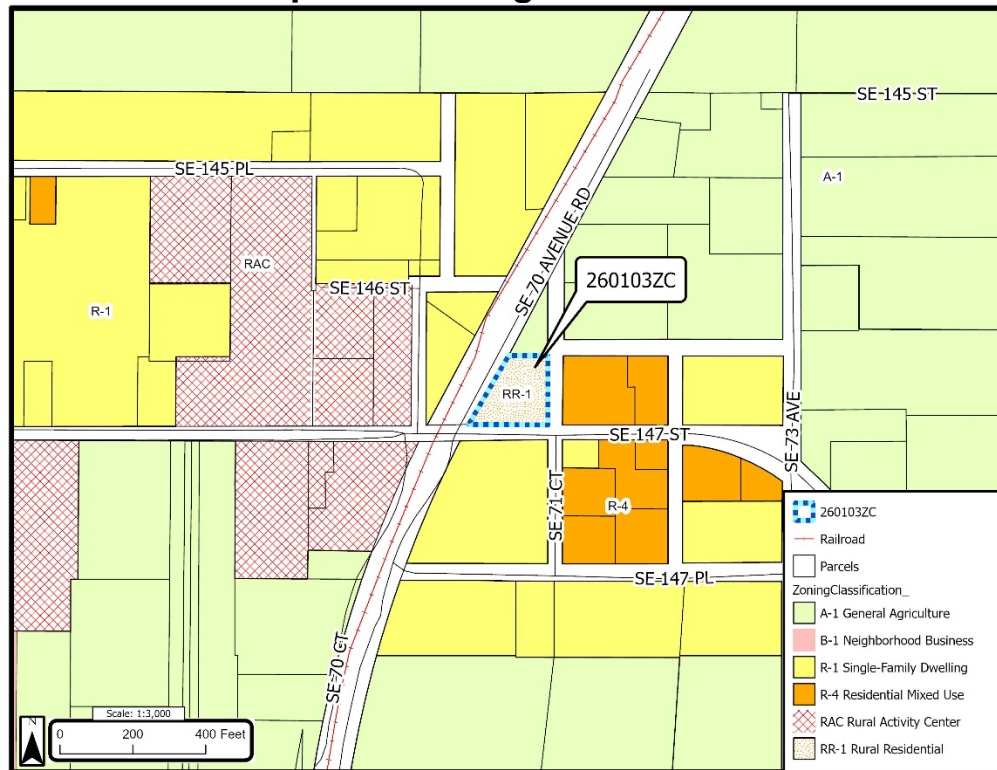


Figure 4
Existing Subdivisions



Figure 5
FLUMS Designation

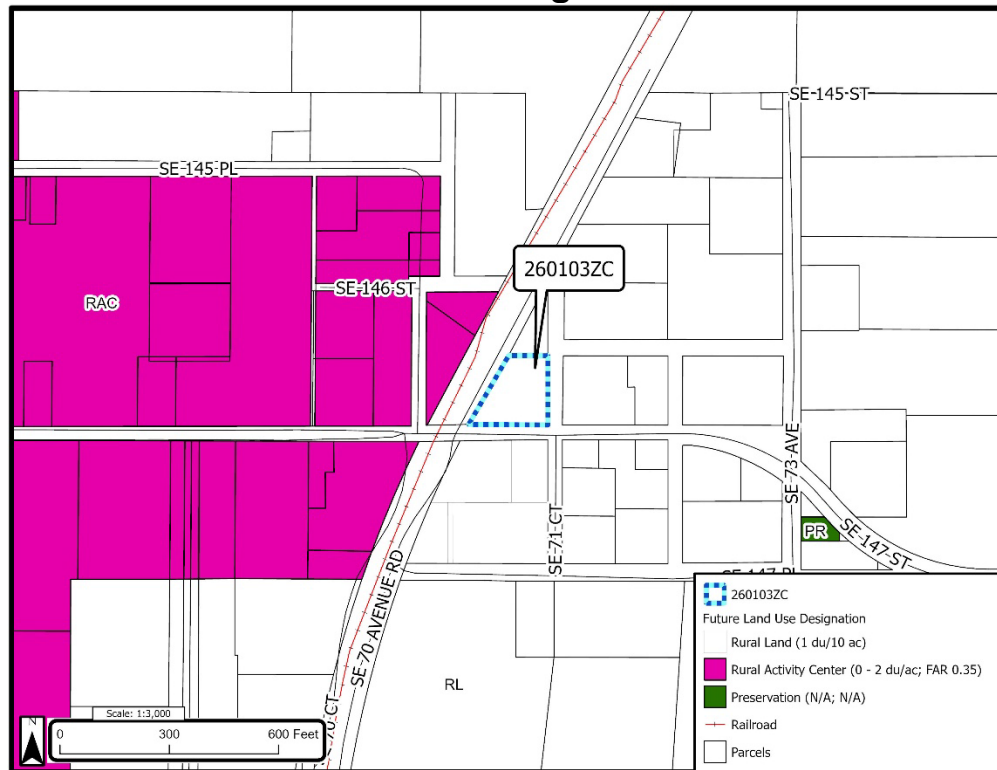


Figure 6
Surrounding Residential Development

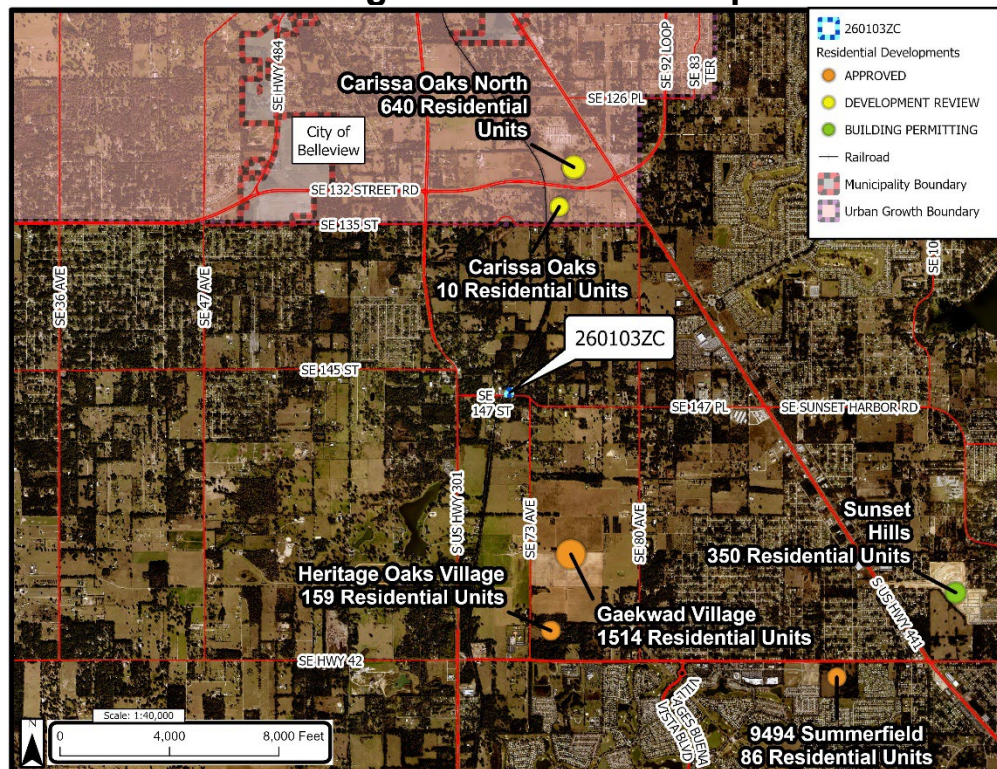
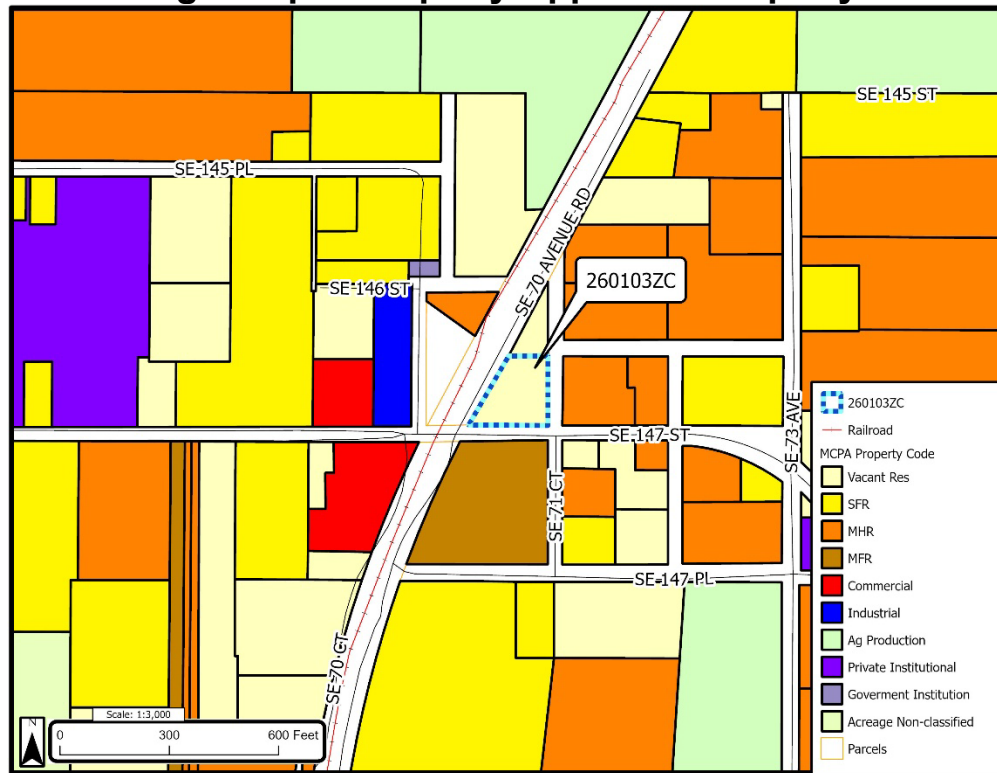


Figure 7
Existing Use per Property Appraiser Property Code



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.
 - a. Roadways. The subject property currently has access to paved roadways through SE 147th Street to the south and SE 70th Avenue Road to the west. The applicant specifically proposes a single driveway to SE 147th Street, a collector road maintained by Marion County. The proposed zoning change would allow, at most, one (1) primary residence and one (1) accessory guest home/family cottage. Staff notes the existing zoning classification also allows a primary residence and accessory guest home/family cottage.
 - b. Public transit. There are no fixed route services in the area.
 - c. Other mobility features. No sidewalks exist along any roadways listed as contiguous to this parcel, nor would sidewalks be required unless the site undergoes formal development review processes.

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

TABLE 2. ZONING TRANSPORTATION IMPACTS			
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: Rural Residential (RR-1)	1 dwelling unit + 1 guest home	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. Both the existing and proposed zoning would result in a maximum water demand of 600 gallons per day, assuming a single four-person household.

The subject property within the Marion County Utilities service area; however, the site is not within connection distance. An individual well will therefore be required. Staff notes that any new wells would be required to meet County and Department of Health (DOH) standards at the time of permit review. 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. Both the existing and proposed zoning would result in a maximum wastewater demand of 440 gallons per day, assuming a single four-person household.

The subject property within the Marion County Utilities service area; however, the site is not within connection distance. An individual septic system will therefore be required. Staff notes that any new septic systems would be required to meet County and Department of Environmental Protection (DEP) standards 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. Both the existing and proposed zoning would generate about 24.8 pounds of solid waste per day, assuming a single four-person household. Since the proposed zoning change would not significantly increase the residential development of the site, the request's 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 no additional residential development 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 entirely within FEMA Flood Zone X. A mobile home, along with a driveway, is proposed at this time. Staff notes that any development of the site that undergoes Marion County's formal development review processes will be required to comply with a 100-year frequency 24-hour duration design storm. If the proposed impervious coverage for a specific lot exceeds 9,000 SF or 35% of the lot area, whichever is less, the lot 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 subject property is within Fire District #18, which is served by Belleview Fire Station at 11941 SE 55th Avenue Rd, Belleview, FL 34420. Belleview Fire Station is approximately 3.8 miles (by automobile) northwest of the subject property. Furthermore, Staff notes Spruce Creek Fire Station #30 is approximately 2.3 miles (by automobile) northwest of the subject property.

The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services; however, 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 Marion County Sheriff's Office (MSCO) substation is located roughly 3.0 miles (by automobile) southeast of the subject property at 8230 SE 165th Mulberry Lane, The Villages, FL 32162. 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 proposed zoning change, if approved, would allow the same amount of residential development as the existing zoning classification. Furthermore, as part of the permitting process, the applicant would be required to pay an Education System Impact Fee for every single-family residential unit in the proposed development. Therefore, the public schools impact of the rezoning request, if approved, **would not adversely affect** the public interest.

Based on the above findings, the public interest **would not be adversely affected** if this rezoning request is approved.

C. *Consistency with the Comprehensive Plan*

1. **FLUE Policy 2.1.16** on Rural Land (RL) provides, "This land use designation 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."
2. **Analysis:** The subject property is designated as Rural Land and the applicant is requesting to rezone the site to Rural Residential (RR-1). Staff notes that Section 4.2.7 of the Marion County Land Development Code (LDC) explicitly indicates that the RR-1 zoning classification is intended to provide rural residential development with certain permitted agricultural uses. All residentially zoned parcels of record located in Rural Lands are eligible for rezoning to this classification. This use thus aligns with the intent of the Rural Land use and is **consistent** with Policy 2.1.16.
3. **FLUE Policy 3.1.4** on Rural Area outside the UGB provides, "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 applicant is requesting a zoning classification that is explicitly intended to provide rural residential development by the Marion County Land Development Code (LDC). Staff notes certain agricultural uses are permitted by the RR-1 zoning classification. Therefore, this rezoning request meets the criteria above, including Criteria 1 and 2, and **is consistent** with FLUE Policy 3.1.4.

4. **FLUE Policy 4.1.1** on Consistency between Comprehensive Plan, Zoning, and LDC provides, "The County shall amend and maintain an official land use and zoning map, appropriate land use designations and zoning classifications, and supporting LDC that shall be consistent with each other."

Analysis: Staff notes that LDC Section 4.2.7 explicitly indicates that all residentially zoned parcels of record located in Rural Lands are eligible for rezoning to this classification. Staff notes that RR-1 zoning allows certain agricultural uses consistent with the intent of the Rural Land (RL) Future Land Use (FLU) designation. As such, the proposed rezoning **is consistent** with FLUE Policy 4.1.1.

5. **FLUE Policy 5.1.2** on Review Criteria for Changes to Comprehensive Plan and Zoning provides, "Before approval of a Comprehensive Plan Amendment (CPA), Zoning Change (ZC), or Special Use Permit (SUP), the applicant shall demonstrate that the proposed modification is suitable. The County shall review, and make a determination that the proposed modification is compatible with existing and planned development on the site and in the immediate vicinity, and shall evaluate its overall consistency with the Comprehensive Plan, Zoning, and LDC and potential impacts on, but not limited to the following:

- (1) Market demand and necessity for the change;
- (2) Availability and potential need for improvements to public or private facilities and services;
- (3) Allocation and distribution of land uses and the creation of mixed use areas;
- (4) Environmentally sensitive areas, natural and historic resources, and other resources in the County;
- (5) Agricultural activities and rural character of the area;
- (6) Prevention of urban sprawl, as defined by Ch. 163, F.S.;
- (7) Consistency with the UGB;
- (8) Consistency with planning principles and regulations in the Comprehensive Plan, Zoning, and LDC;
- (9) Compatibility with current uses and land uses in the surrounding area;
- (10) Water Supply and Alternative Water Supply needs; and
- (11) Concurrency requirements."

Analysis: The applicant is requesting a zoning classification that is explicitly intended to provide rural residential development by the Marion County Land Development Code (LDC). No additional residential development would be permitted by RR-1 zoning that would otherwise be permitted by the existing Single-Family Dwelling (R-1) zoning classification.

Staff notes certain agricultural uses are permitted by the RR-1 zoning classification. To ensure compatibility with the surrounding residential area, Staff notes that LDC Section 4.2.6.F provides standards on keeping horses on residentially zoned properties.

Therefore, this rezoning request meets the criteria above and is **consistent** with FLUE Policy 5.1.2.

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 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 consideration on December 29, 2025 by the Planning and Zoning Commission. Therefore, the application is **consistent** with 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, 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 Marion County Comprehensive Plan;
and
- C. Is compatible with the surrounding uses.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

To be determined. Scheduled for December 29, 2025 at 5:30 PM.

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined. Scheduled for January 6, 2026 at 1:30 PM.

IX. LIST OF ATTACHMENTS

- A. Application*
- B. DRC Comments Letter*
- C. Site Photos
- D. Code Case No. 827351
- E. Recorded L.C. Dillard's Subdivision (Plat BK/PG A/51)

*The subject property was originally owned by Gustavo Fernandez and Gustavo Mendez; however, Gustavo Fernandez has since received sole ownership of the property.