



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 4/28/2025	BCC Date: 5/19/2025
Case Number	250503ZC
CDP-AR	32471
Type of Case	Rezoning portion from Community Business (B-2) to General Agriculture (A-1).
Owner	Sarah Meier
Applicant	Kelby Dee Watt
Street Address/Site Location	No address assigned
Parcel Number(s)	05786-003-01
Property Size	±10.56 AC
Future Land Use	Rural Land (RL)
Existing Zoning Classification	Community Business (B-2) and General Agriculture (A-1)
Overlays Zones/Special Areas	Farmland Preservation Area (FPA), Secondary Springs Protection Zone (SSPZ)
Staff Recommendation	Approval
P&Z Recommendation	TBD
Project Planner	Jared Rivera-Cayetano
Related Cases	None

I. ITEM SUMMARY

Kelby Dee Watt, on behalf of Sarah Meier, filed a rezoning application to change a portion of a ±10.56-acre property from Community Business (B-2) to General Agriculture (A-1). The Parcel Identification Numbers for the subject property is 05786-003-01; the site has not been assigned an address. The legal descriptions are provided within the application (see Attachment A). The subject property is located at the south corner of the intersection between N US Hwy 27 and NW 160th Street. The site is located within the Farmland Preservation Area (FPA) and the Secondary Springs Protection Zone (SSPZ). There is a designated Rural Activity Center approximately five (5) miles to the south of the site at the intersection of N US Hwy 27 and W Hwy 326. The intention of this zoning change is to convert the parcel entirely to A-1 for agricultural purposes, specifically for cattle and horses. The applicant does not currently plan to construct a residential structure on this property.

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning application. Staff believes General Agriculture (A-1) zoning would be more appropriate for the area than Community Business (B-2) zoning because the Future Land Use designation is Rural Land (RL). Approving this request would 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 (17 owners) within 300 feet of the subject property on April 11, 2025. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on April 16, 2025, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on April 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 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, shows the Future Land Use (FLU) designation of the subject property, designated as Rural Land (RL), along with most properties in the surrounding area. The surrounding properties are all outside the Urban Growth Boundary (UGB), within the Farmland Preservation Area (FPA), and inside the Secondary Springs Protection Overlay Zone (SSPOZ).

Figure 2
FLUMS Designation

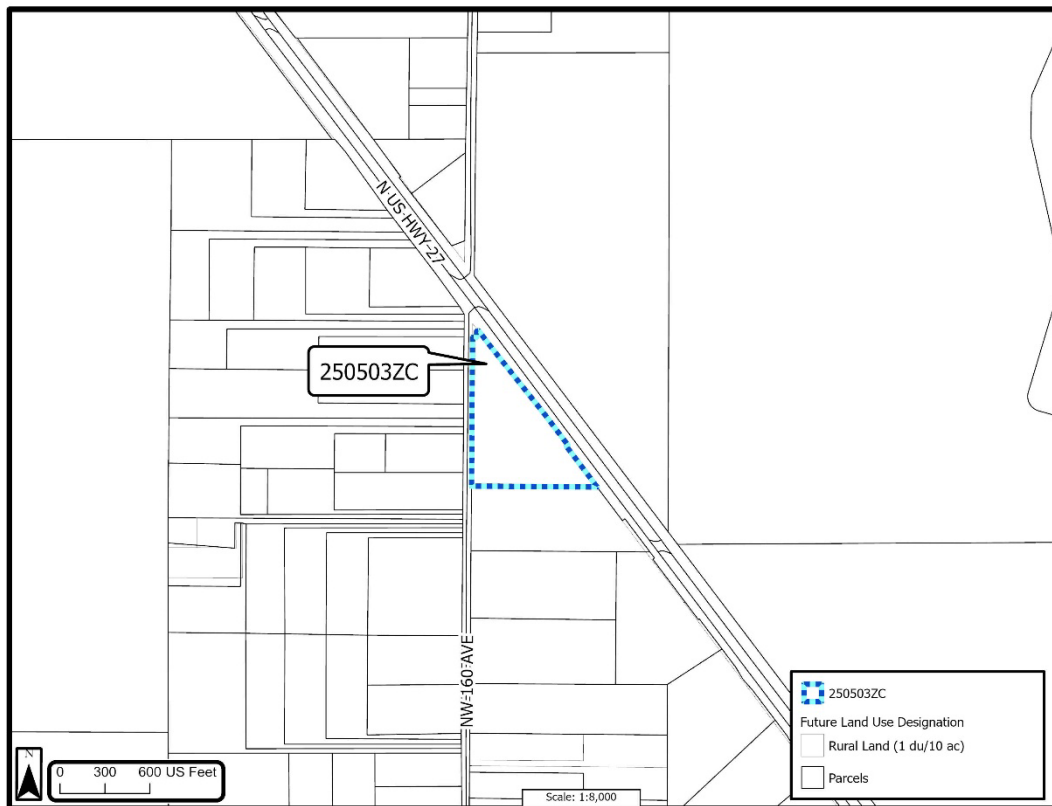


Figure 3, below, displays the existing zoning classifications for the subject properties in relation to the existing zoning classifications of the surrounding properties, and Figure 4 shows the zoning classification proposed by the applicant. The subject site's North, East, West, and South are primarily zoned for agricultural uses. There are some areas zoned for business directly to the North; however, all other surrounding areas are specifically designated General Agriculture (A-1).

Figure 3
Zoning Classification

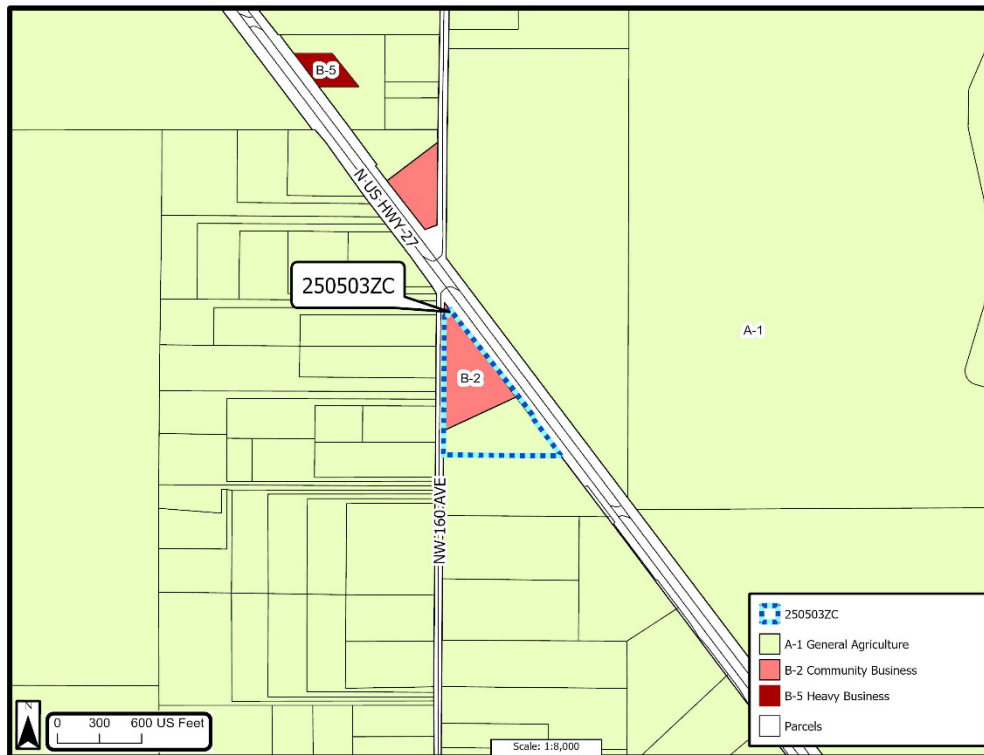


Figure 4.
Proposed Zoning Classification

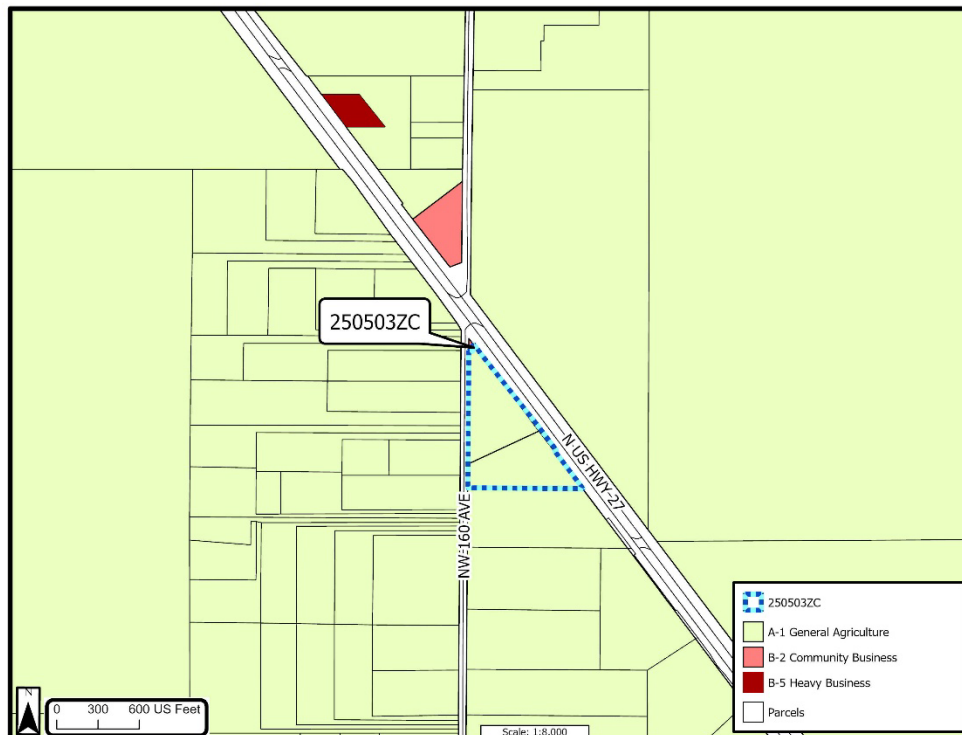


Figure 5, below, displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

Figure 5.
Existing Use per Property Appraiser Property Code

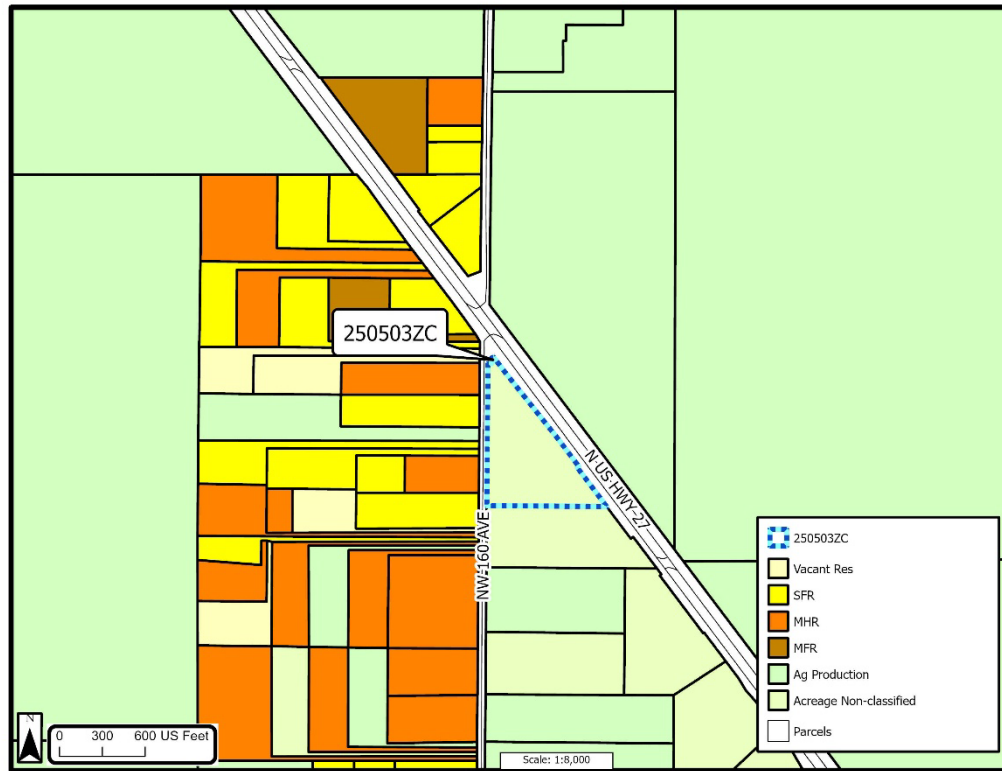


Table A, below, assembles the information in Figures 2, 3, 4, and 5 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit on April 16, 2025 and found that the subject property is vacant. A fence has been recently installed around the property. Site photos will be attached to this report (see Attachment C).

The area surrounding the subject property is rural. There are no commercial properties nearby. Properties sitting north of the subject property are primarily residential, with several vacant parcels to the south. Parcels to the west are a mix of vacant residential, mobile home residential, single-family residential, and agricultural uses, with parcels to the east being primarily characterized by agricultural production.

TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	MCPA Existing Use
Subject Property	Rural Land (RL)	General Agriculture (A-1), Community Business (B-2)	Acreage Non-Classified

North	Rural Land (RL)	Right-of-Way, General Agriculture (A-1), Community Business (B-2)	Single Family Residential
South	Rural Land (RL)	General Agriculture (A-1)	Acreage Non- Classified
East	Rural Land (RL)	Right-of-Way, General Agriculture (A-1)	Ag Production
West	Rural Land (RL)	Right-of-Way, General Agriculture (A-1)	Mobile Home Residential, Single Family Residential, Ag Production, Vacant 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 comments were received from OCE.
 - a. Roadways. The subject parcels have access to N US Hwy 27 along the east and NW 160th Street to the west. Highway 27 is a state highway while NW 160th St is a major local road maintained by Marion County. The proposed zoning change would allow, at most, a single residential unit and a single guest home, along with its associated trips; however, the applicant has indicated no plans to construct any residential structures. The current zoning, on the other hand, allows for more trip-generating commercial uses, including—for example—uses such as automobile parts sales.
 - 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. Sidewalks may be required upon development.

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
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Existing: Community Business (B-2) – Automobile Parts Sales	5,000 SF (Example)	55.34 trips/day per 1,000 SF (ITE Code 843) x 5	± 278 trips/day
Proposed: General Agriculture (A-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 and Code 843-Automobile Parts Sales.

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. Assuming a four-person household the proposed rezoning would result in a potential demand of 600 gallons per day.
The property is outside the Marion County Utilities Service Area. Any new development shall meet County potable water standards, including for any potential wells, 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. Assuming a four-person household, the proposed rezoning would result in a potential demand of 440 gallons per day.

The property is outside the Marion County Utilities Service Area. 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. Assuming a four-person household, the proposed zoning change would generate about 24.8 pounds of solid waste per day. 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 the proposed zoning would allow, at most, a single residential unit and a single guest house, 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 does not include any FEMA flood zones. There are small flood prone areas along N US Hwy 27; however, any development of the site that undergoes Marion County's development review processes will be required to comply with a 100-year frequency 24-hour duration design storm. Furthermore, the site would be subject to the Major Site Plan review process if the proposed impervious coverage exceeds 9,000 SF. 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 Golden Ocala Fire Station #20, located at 3600 NW 70th Avenue Rd, Ocala, FL 34482 is roughly thirteen (13) miles (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; however, no comment was received from Marion County Fire Rescue. The proposed rezoning brings the property into conformity with the Rural Land Use and creates a lower demand for services which is consistent with the rural nature of the area. 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 Sherriff substation is located roughly seventeen (17) miles southeast of the subject property at 8311 N Hwy 441, Ocala. The Comprehensive Plan does not establish a level of service standard for law enforcement 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 result in a single agricultural parcel allowing for, at most, one (1) single-family home with one (1) guest home. 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 2.1.16 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."

Analysis: The subject site is designated as Rural Land (RL) and proposes to use the land for cattle and horses, aligning with the definition of

Agricultural Use in Policy 2.1.14. This use thus aligns with the intent of the Rural Land use and is **consistent** with Policy 2.1.16.

2. FLUE 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 proposed zoning change is requesting to allow rural agricultural uses, with the applicant proposing to use the land specifically for cattle and horses. This is both consistent with the site's Rural Lands (RL) designation and consistent with Comprehensive Plan intentions for Rural Areas outside of the Urban Growth Boundary. Therefore, this rezoning request meets the criteria above and is **consistent** with FLUE Policy 3.1.4.

3. FLUE 3.3.1 on Elements of Rural Character in the Farmland Preservation Area provides, "The County shall preserve and protect rural and equestrian/agricultural character within the Rural Lands, specifically the Farmland Preservation Area, by requiring that all appropriate future development activities within this Area preserve, support, and enhance the fundamental elements of rural character set forth below, and further requiring that all Zoning changes and Special Use Permits within the Farmland Preservation Area be consistent with and preserve, protect, support, and enhance the rural, equestrian, and farmland character of the Farmland Preservation Area. The fundamental elements of rural character include the following:
 - (1) *Scenic Views:* The viewshed of arterial and collector roadways in the Rural Area shall be protected from land clearing and other visual intrusions associated with development; such protections, however, shall not restrict the fundamental agricultural uses permitted within this Area.

- (2) *Open Space Protection:* Residential development options shall include incentives to promote the protection of open spaces.
- (3) *Rural Lighting:* In order to preserve the rural character of the area, artificial illuminating devices, emission of undesirable rays into the night sky, glare to oncoming traffic and intrusion of light onto adjacent properties shall be prevented to the greatest extent possible, as further defined in the LDC.
- (4) *Transportation:* Roadway design within the Rural Area shall be consistent with the principles of context sensitive design, which considers the relationship of land uses and all aspects of roadway design, including speed, travel lane width, access management, and landscaping. Where feasible, expansion or alteration of existing roadway corridors, including State Facilities will be the preferred method to meet the long-range transportation needs. New transportation corridors intended to be used specifically for the construction of expressways or limited access roadways within the Farmland Preservation Area shall be developed in such a way as to avoid negative impacts to vital farmlands, key environmental areas, and valuable open space so that transportation and land use are compatible with the rural character of the area. The development of any such corridor shall be closely coordinated with the Board of County Commissioners and County Staff.
- (5) *Infrastructure:* Other infrastructure including water and sewer utilities and stormwater facilities within the Rural Area shall reflect a rural level of service and shall not be modified to the point that it encourages or allows for urban development.”

Analysis: The proposed zoning change is requesting to allow rural agricultural uses, with the applicant proposing to use the land specifically for cattle and horses. This is both consistent with the site’s location within the Farmland Preservation Area (FPA) and consistent with Comprehensive Plan intentions for the Farmland Preservation Area (FPA). Therefore, this rezoning request meets the criteria above and is consistent with FLUE Policy 3.3.1.

- 4. 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: In this situation, the current commercial zoning is not compatible with the Future Land Use designation granted to the parcel nor the intended use of the parcel. The proposed rezoning would bring the parcel in to compliance with the governing document, the Comprehensive Plan, and protect the rural character of the area. The proposed rezoning would be **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 consideration on April 28, 2025 by the Planning and Zoning Commission. Therefore, the application is **consistent** with 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, 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 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 2.1.6, 3.1.4, 3.3.1, 4.1.2, 5.1.3, and 5.1.4;

and
- C. Is compatible with the surrounding uses because the proposed zoning change is within the Rural Area and is requesting to remove an urban zoning designation that is incompatible with the surrounding area.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

To be determined. Scheduled for April 28, 2025, at 5:30 PM hearing.

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined. Scheduled for May 19, 2025 at 1:00 PM.

IX. LIST OF ATTACHMENTS

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