



**Marion County  
Board of County Commissioners**

Growth Services

2710 E. Silver Springs Blvd.  
Ocala, FL 34470  
Phone: 352-438-2600  
Fax: 352-438-2601

**PLANNING & ZONING SECTION  
STAFF REPORT**

<b>P&amp;ZC Date: 11/25/2024</b>	<b>BCC Date: 12/17/2024</b>
<b>Case Number</b>	241208ZC
<b>CDP-AR</b>	32040
<b>Type of Case</b>	Rezoning a ±4.16-acre portion of an overall ±6.69-acre parcel from Rural Industrial (RI) to General Agriculture (A-1).
<b>Owner</b>	Deborah Mintz
<b>Applicant</b>	Deborah Mintz
<b>Street Address</b>	9664 NW Gainesville Rd Ocala FL, 34482
<b>Parcel Number</b>	12812-000-00
<b>Property Size</b>	±6.69 acre
<b>Future Land Use</b>	Rural Land (RL)
<b>Zoning Classification</b>	Rural Industrial (RI) and General Agriculture (A-1)
<b>Overlay Zone/Scenic Area</b>	Farmland Preservation Area (FPA), Secondary Springs Protection Overlay Zone (SSPOZ)
<b>Staff Recommendation</b>	<b>APPROVAL</b>
<b>P&amp;ZC Recommendation</b>	<b>Approval (On consent agenda)</b>
<b>Project Planner</b>	Aubrey Griffin, Kathleen Brugnoli
<b>Related Case(s)</b>	N/A

## I. ITEM SUMMARY

Deborah Mintz has filed a rezoning application for a ±4.16-acre portion of an overall ±6.69-acre parcel to change from Rural Industrial (RI) to General Agriculture (A-1). The applicant seeks to change the zoning designation from Rural Industrial (RI) to General Agriculture (A-1) with the intent to add a mobile home to the property (Attachment A). The Parcel Identification Number for the property is 12812-000-00; the site address is 9664 NW Gainesville Rd Ocala. Figure 1, below, is an aerial photograph showing the general location of the subject property. The subject property is located within the Farmland Preservation Area (FPA) and the Secondary Spring's Protection Overlay Zone (SSPOZ).

## II. STAFF SUMMARY RECOMMENDATION

Staff is recommending the **APPROVAL** of the zoning change because it is consistent with Land Development Code Section 2.3.3.B, which requires amendments to comply and be consistent with the Marion County Comprehensive Plan as well as the provisions of Chapter 163, Florida Statutes.

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



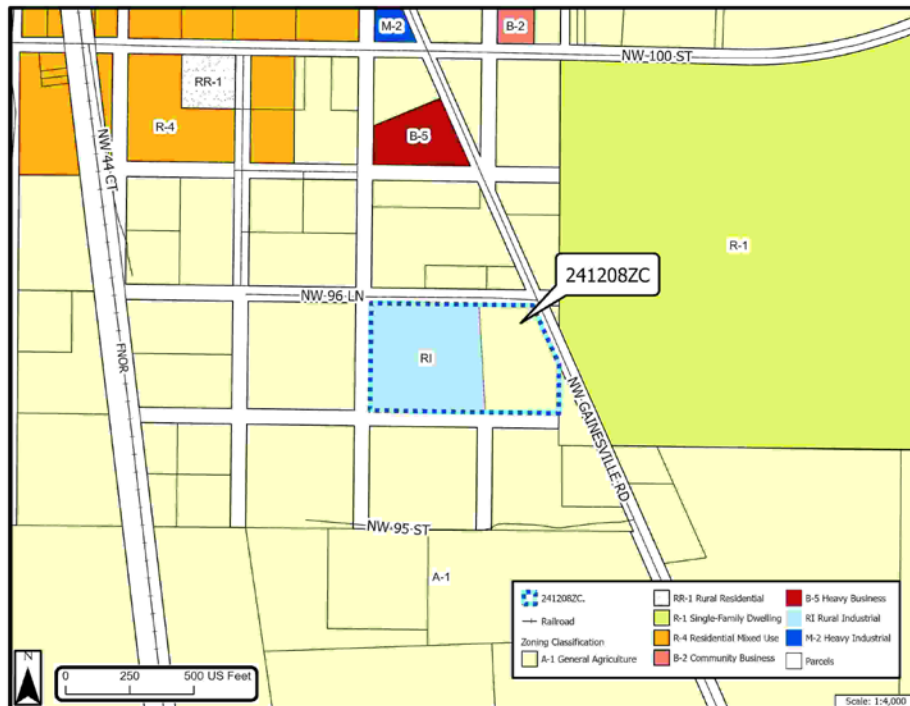
### III. NOTICE OF PUBLIC HEARING

Consistent with Land Development Code (LDC) Section 2.7.3.C., notice of public hearing was mailed to all property owners (12 owners) within 300 feet of the subject property on November 18, 2024. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on November 14, 2024, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on November 11, 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. BACKGROUND/PROPERTY HISTORY

*ZDM history.* Figure 2 shows the subject property is classified as Rural Industrial (RI) and General Agriculture (A-1). The portion currently zoned RI is the result of a previous zoning change approved in 2001 that took the same subject portion of property from Heavy Industrial (M-1) to Rural Industrial (RI). The rezoning to A-1 will not only create a uniform zoning classification compatible with its existing land use, it will also allow for a primary home as well as a guest home on the property which is permitted by the A-1 zoning classification in Sec. 4.2.3(B) of the LDC.

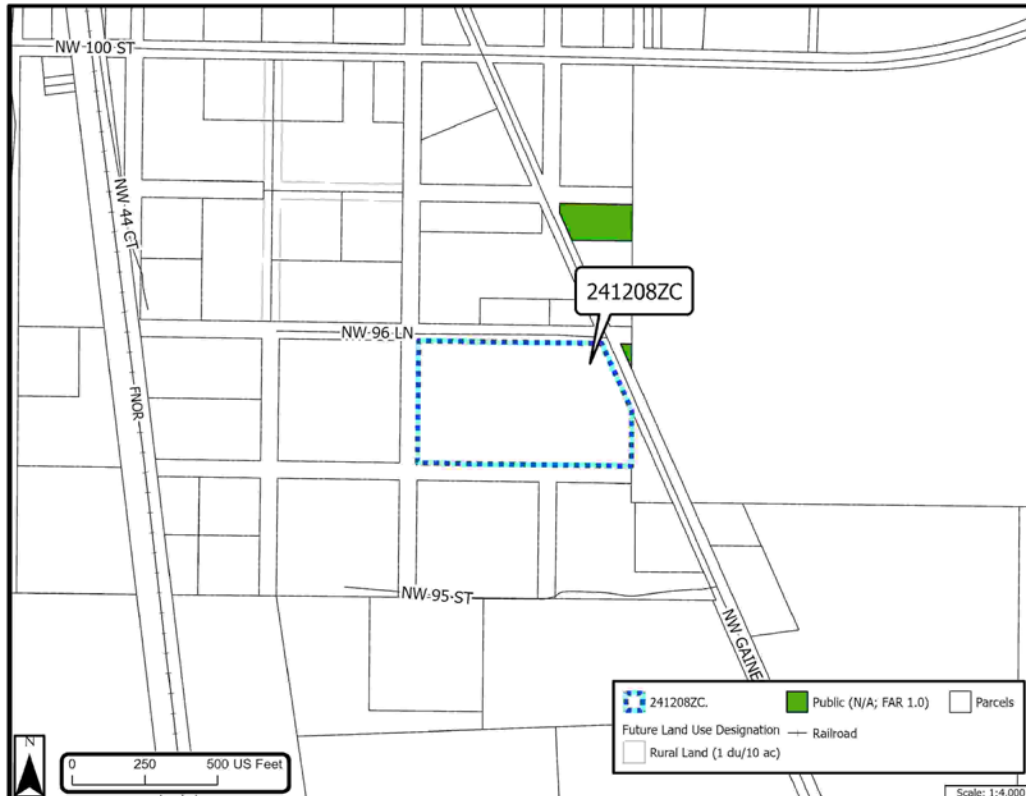
**Figure 2**  
**Zoning District Map**



A. *FLUMS history.* Figure 3 displays the FLUMS designation of the subject property along with that of the surrounding properties. The subject property carries a Rural Land (RL) designation, and according to the Marion County Comprehensive Plan, Policy 2.1.16, "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....” All parcels in the area share the same future land use with the exception of two shown in green below; one being a county owned parcel and the other being a CenturyLink owned substation.

**Figure 3**  
**Future Land Use Map**



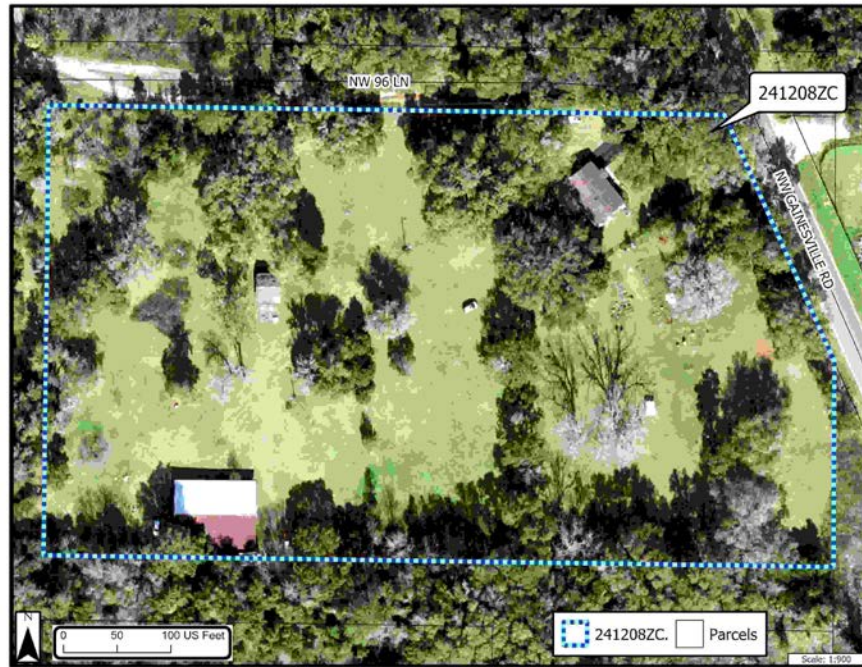
## V. CHARACTER OF THE AREA

### A. Existing site characteristics.

Figure 4, below, is an aerial photograph showing the subject property. The property currently has an existing residence on-site, a large open shed, and utility buildings as can be seen in the site photos attached (Attachment B). The parcel currently shows two wells and two septic systems on-site as there were previously two homes (primary and guest) on the property which is, again, the intent with this zoning change.



**Figure 4**  
**Aerial Photograph**



**Figure 5**  
**Existing and Surrounding Land Uses**

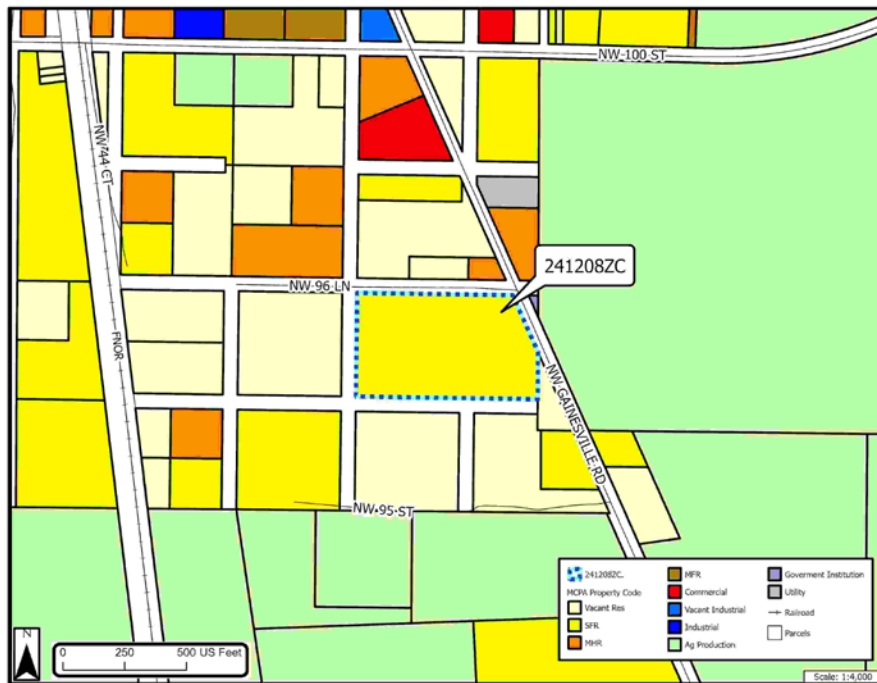


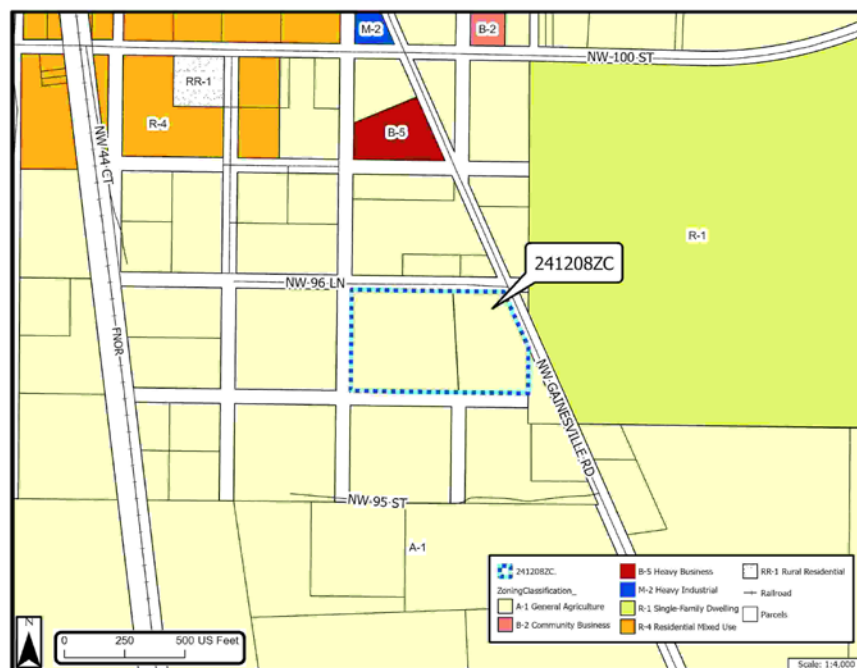
Table 1, below displays the FLUMS, Zoning Classification, and existing uses on the subject site and surrounding uses.

TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	Marion County Property Appraiser Existing Use
Subject Property	Rural Land (RL)	General Agriculture (A-1) Rural Industrial (RI)	Single-Family Residential
North	Rural Land (RL)	General Agriculture (A-1)	Vacant Residential Improved Mobile Home
South	Rural Land (RL)	General Agriculture (A-1)	Vacant Residential
East	Rural Land (RL) Public (P)	General Agriculture (A-1) Single-Family Dwelling (R-1)	Vacant Residential Ag Production
West	Rural Land (RL)	General Agriculture (A-1)	Vacant Residential

*B. Project request.*

Figure 6 depicts the proposed zoning change by this application. Approving the application would rezone the Rural Industrial (RI) portion of the land to General Agriculture (A-1) to match the existing General Agriculture (A-1) on the land for all permitted uses.

**Figure 6  
Proposed Zoning Map**



## VI. ANALYSIS

### A. *How does the request affect the public interest?*

1. Transportation impacts. These include roadways, public transit, and other mobility features.
  - a. Roadways. There are access points to the property from NW Gainesville Rd., a major collector maintained by Marion County, and NW 96<sup>th</sup> Lane, a privately maintained local road. The rezoning from Rural Industrial (RI) to General Agriculture (A-1) reduces the possibly number of uses on the property and, if any impact, would reduce the number of potential trips created by the parcel. While RI allows commercial type uses and manufacturing uses as they relate to Agriculture, the A-1 zoning allows for a more limited list of general farming and agricultural uses as well as residential with the limit to residential, in this case, being a primary single-family residence and a guest home.
  - b. Public transit. The property is not along or within one quarter mile of existing transit routes. No transit routes are currently projected to extend to the vicinity of the project. Therefore, the application would not adversely affect the public interest.
  - c. Other mobility features. No sidewalks currently exist along NW Gainesville Rd. 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 non-residential demand. Based on the residential calculation, the entire property could result in a demand of 750 gallons per day. However, the property is not within the Marion County Utility Service Connection Area. Based on the above findings, the rezoning's **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 property could result in a demand of 550 gallons per day. However, the property is currently served by septic and is outside Marion County Utilities Service Connection Area. Based on the above findings, the rezoning's **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/agricultural level of service standard is not currently in place for Marion County as such operations are required to provide for individual 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. Based on the maximum of two potential residences on the property, the rezoning **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 subject property is not located in the flood prone areas. 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 Fire Rescue Station #11, located at 12250 NW Gainesville Rd, Reddick, FL 32686, roughly 2.6 miles north 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 Sheriff substation is located approximately 4.3 miles southwest of the subject property at 8311 N US Hwy 441, Ocala, FL. 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 adversely affect the public interest.**
9. Public schools. The school zones for this property would include Fessenden Elementary (102.57% utilization) 4200 NW 89<sup>th</sup> Pl, Ocala, FL 34482 located approximately 1.3 miles southwest of the property. North Marion Middle (74.15% utilization) 2085 W Hwy 329, Citra, FL 32113 located approximately 5.2 miles northwest of the property and North Marion High school (68.49% utilization) 151 W Hwy 329, Citra, FL 32113 located approximately 6.3 miles northeast of the property. While there are areas of localized overcrowding,



capacity exists, overall, in Marion County. 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. Policy 2.1.16: Rural Land (RL)

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 located within Rural Land (RL) use proposes to use the parcel residentially. This use aligns with the intent of the Rural Land use and is **consistent** with Policy 2.1.16.

2. Policy 3.1.4: Rural Area Outside of 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 lies outside the UGB and within the Rural Area. As can be seen from the history of this parcel, there was, at one time, a zoning incompatible with the existing land use. This incompatibility was resolved through a zoning change in 2001 to RI, a zoning classification that allows for "industrial" type uses similar to the M-1 zoning but limited to those uses supporting of Agriculture. While RI is compatible with Rural Land, it has not been developed and is now not the use sought by the land owner and applicant. The A-1 zoning desired will keep with the rural nature of the surrounding area and will allow the residential use proposed while also remaining compatible with the RL use. The application is **consistent** with Policy 3.1.4.

3. Objective 3.3: Farmland Preservation Area

The Farmland Preservation area is intended to encourage preservation of agriculture as a viable use of lands and an asset of Marion County's economy and to protect the rural character of the area. Planning principles within this area are designed to protect significant natural resources, including prime farmland and locally important soils as defined by the United States Department of Agriculture and unique karst geology that provides high recharge to the Floridan Aquifer, a key source of freshwater for central Florida. The County establishes this area as critical to the enhancement and preservation of its designation as the Horse Capital of the World.

**Analysis:** The portion of property looking to rezone currently has a land use and zoning compatible and capable of development. The rezoning from RI to A-1 greatly reduces the number of permitted uses allowed by the zoning classification and eliminates the "industrial" type uses that are allowable with RI. The zoning change to General Agriculture (A-1) will help preserve the land and avoid industrial-type uses on this property and is **compatible** with Objective 3.3.

4. 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:** While the RL land use and RI zoning are compatible and, likewise, the land use of the surrounding area and subject property are compatible, the zoning classification of RI is unlike anything in the immediate area. Established uses nearby are residential and agricultural in nature and the uses permitted with RI zoning are much more intense than those of the immediate surrounding area. In this situation, the conflict appears to be with the zoning and the change to A-1 requested makes this application **consistent** with 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 November 25, 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 **APPROVE** the proposed zoning change because the application:

- A. Will not adversely affect the public interest;
- B. Is consistent with the Comprehensive Plan provisions
  1. FLUE Policies 2.1.16, 3.1.4, 4.1.2, 5.1.3, & 5.1.4;
  2. Objective 3.3
- C. Is compatible with the surrounding uses because the proposed rezoning would make the subject parcel the same zoning classification as the parcels surrounding.

## **VII. PLANNING & ZONING COMMISSION RECOMMENDATION**

Approval (On Consent Agenda).

## **VIII. BOARD OF COUNTY COMMISSIONERS ACTION**

To be determined.

## **IX. LIST OF ATTACHMENTS**

- A. Application
- B. Site Photos
- C. Development Review Committee Comments
- D. Surrounding Property Owners Notification