



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

Public Hearing Dates	P&Z: 8/25/2025	BCC: TBD 09/15/2025
Case Number	25-S12	
CDP-AR	32926	
Type of Case: Small-Scale Comprehensive Plan Amendment	<i>Future Land Use Designation Change:</i> FROM: Low Residential (1 DU/AC) TO: Medium Residential (1-4 DU/AC)	
Owner	Martin, Starlin J. & Williams Family Trust	
Applicant	Fred Roberts Esq. (Klein & Klein)	
Street Addresses	No Address Assigned	
Parcel Numbers	23303-002-00 & 23303-000-04	
Property Size	±7.7 acres	
Future Land Use	Low Residential (LR)	
Zoning Classification	General Agriculture (A-1)	
Overlay Zone/Scenic Area	Inside of Urban Growth Boundary (UGB), In the Secondary Springs Protection Overlay Zone (SSPZ)	
Staff Recommendation	APPROVAL	
P&ZC Recommendation	APPROVAL (5-1)	
Related Cases	250907ZC: Rezone from General Agriculture (A-1) and Mixed Family Dwelling (R-4) to Planned Unit Development (PUD)	
Code Cases	N/A	

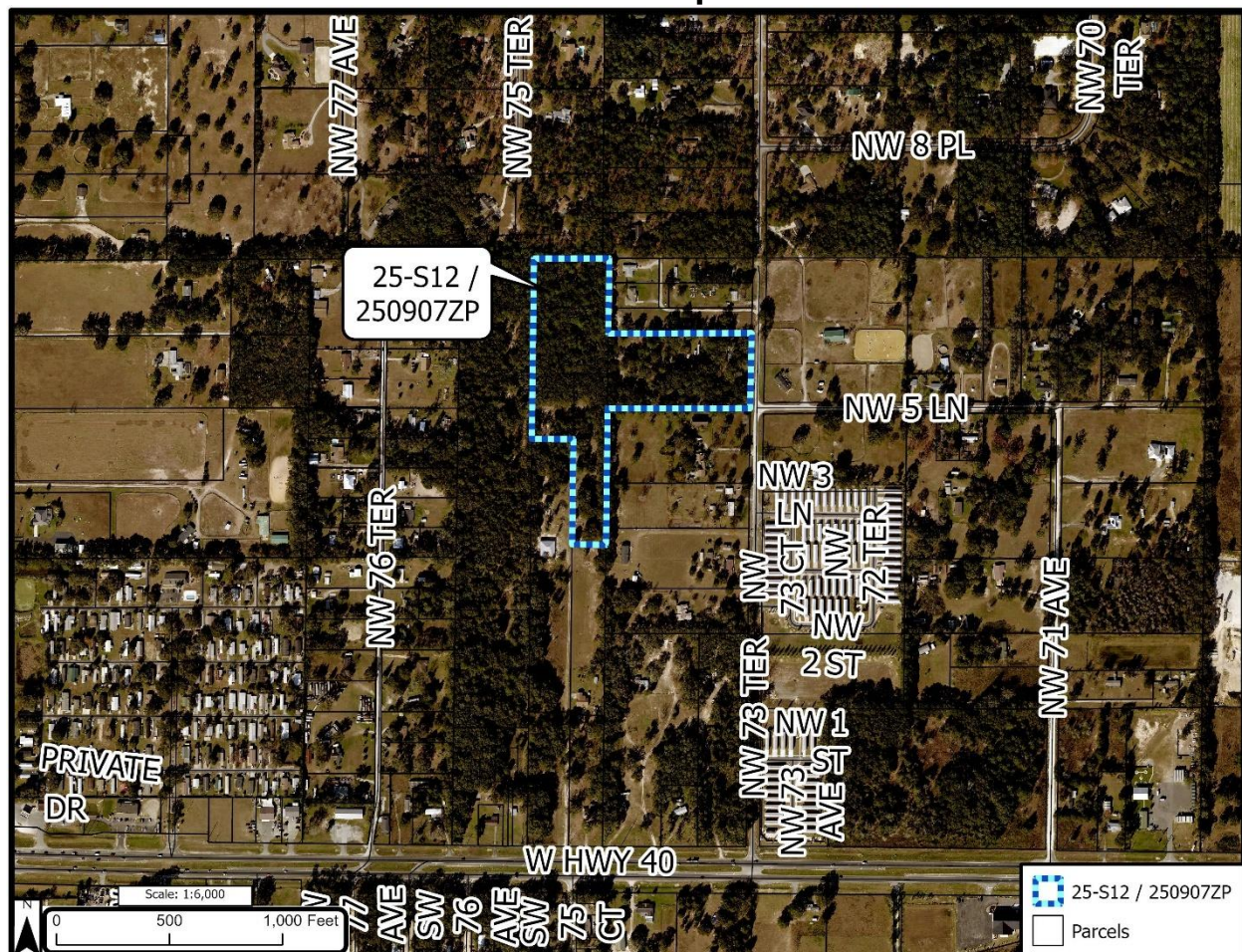
I. ITEM SUMMARY

Fred Roberts Esq., agent for the applicants, Starlin Martin Jr. and The Williams Family Trust, has filed a small-scale land use amendment to change a ± 7.7 -acres parcel from Low Residential (LR) to Medium Residential (MR) (see Attachment A). The Parcel Identification Numbers for the subject parcels are 23303-002-00 & 23303-000-04; there are no assigned addresses as the subject parcels are unimproved at this time. The legal descriptions are provided within the application (see Attachment A). A companion application also proposes rezoning the entire ± 7.7 -acres of both parcels, and one additional 5.07-acre parcel for all uses permitted as described in the Planned Unit Development process. The site is located within the Urban Growth Boundary (UGB), and in the County-wide Secondary Springs Protection Zone (SS-SPOZ). No code cases have been found to be active at this location.

II. STAFF SUMMARY RECOMMENDATION

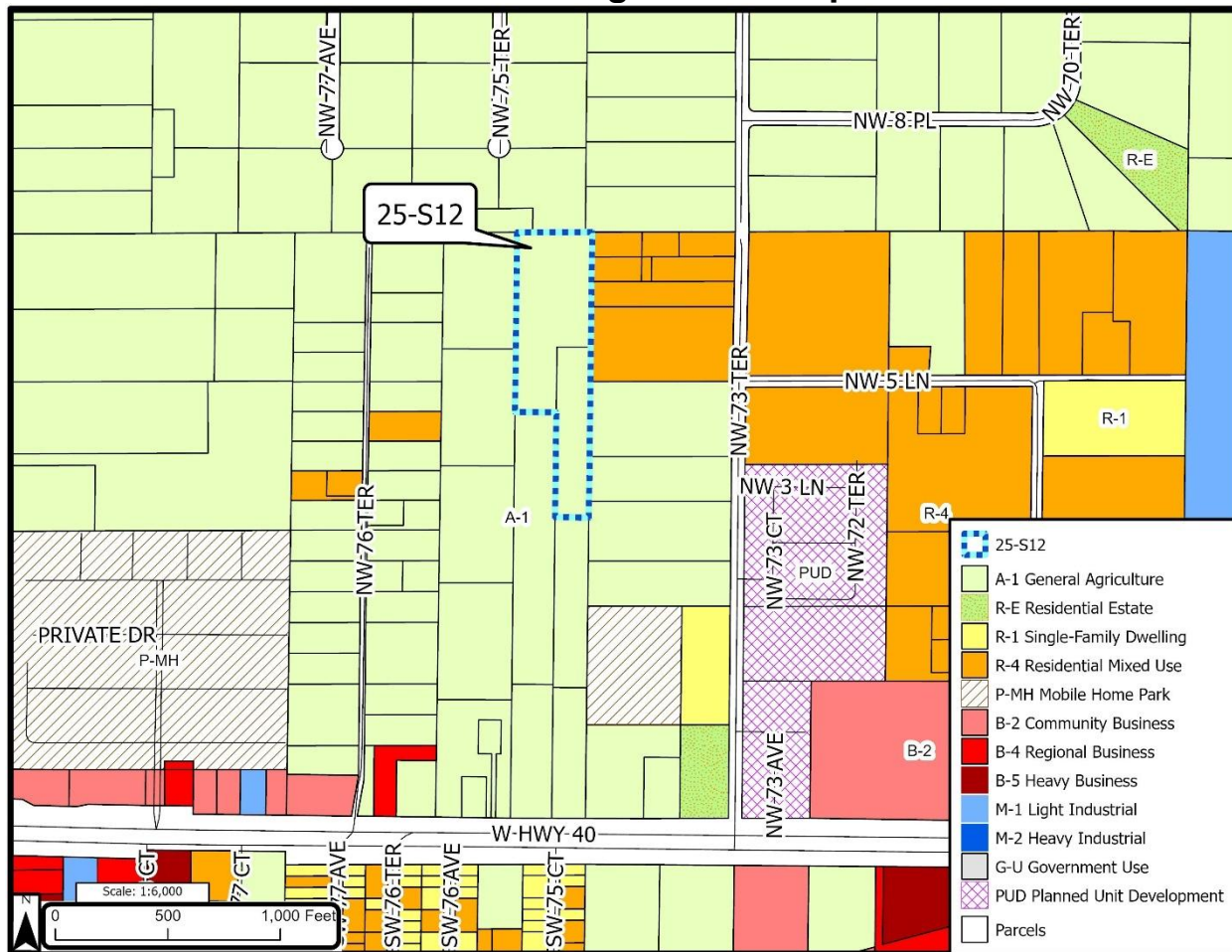
Staff is recommending the **APPROVAL** of the Small-Scale Future Land Use Map Series (FLUMS) amendment because it is consistent with Land Development Code Section 2.3.3.B, which requires amendments to comply and be consistent with the Marion County Comprehensive Plan, as well as the provisions of Chapter 163, Florida Statutes, be compatible with the surrounding uses, and not adversely affect the public interest.

Figure 1
General Location Map - Fall 2023 Aerial



- B. *ZDM history.* Figure 3 shows that the subject property is currently zoned General Agriculture (A-1), with the areas to the west, south, and north featuring General Agriculture (A-1). Properties to the east are currently zoned Mixed Family Residential (R-4), some of which are part of a proposed companion rezoning to this small-scale amendment.

Figure 3
Zoning District Map

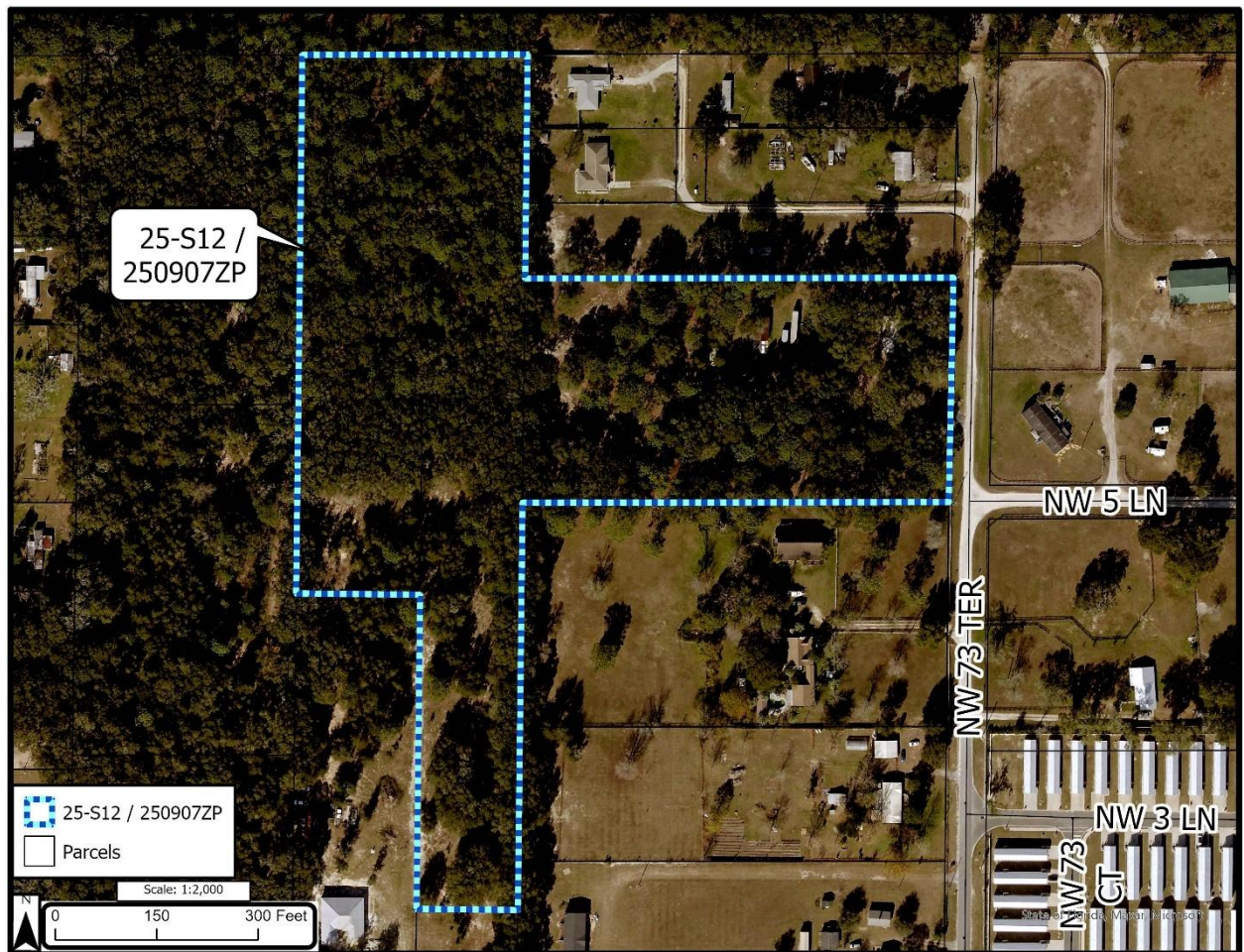


V. CHARACTER OF THE AREA

A. Existing site characteristics.

Figure 4, following, is an aerial photograph showing the subject property and the surrounding area. The subject properties are located approximately 0.25 miles north of SR 40. There had been previous manufactured homes placed on the subject parcels, but they have been since been removed. There are no FEMA or Marion County-designated flood zones on the subject parcel (Figure 4a).

Figure 4
Aerial Photograph



- B. *Adjacent and surrounding land uses.* Figure 5 is a map based on the Marion County Property Appraiser's Property Use Code data showing the existing, adjacent, and surrounding land uses. There are multiple residential zoning designations in the area, including Mobile Home Park (P-MH), Mixed Use Residential (R-4), Single Family Dwelling (R-1), and General Agriculture (A-1) with a residential component. Commercial and Industrial zoning designations are identifiable on the SR 40 corridor to the south.

Figure 5
Existing and Surrounding Land Uses

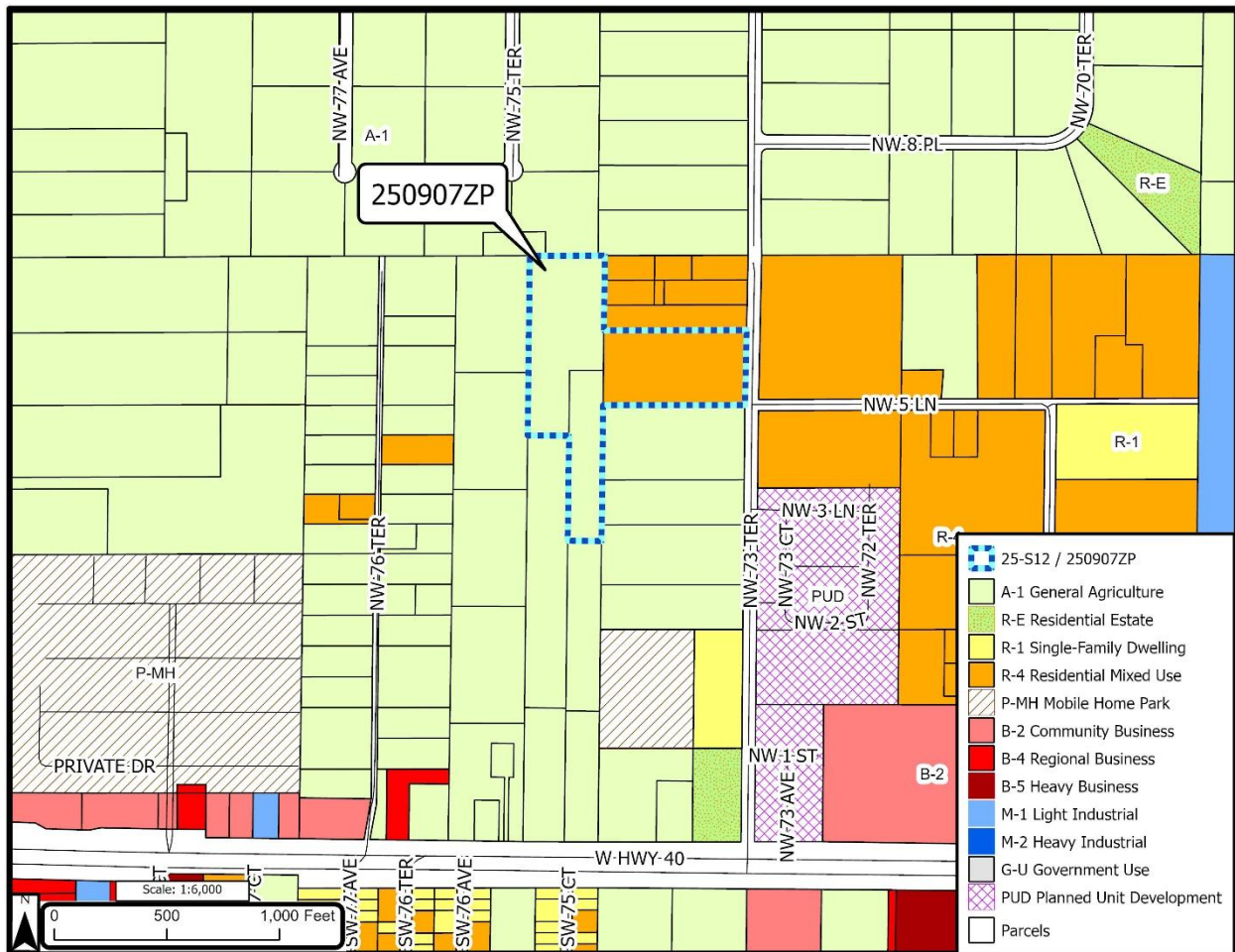
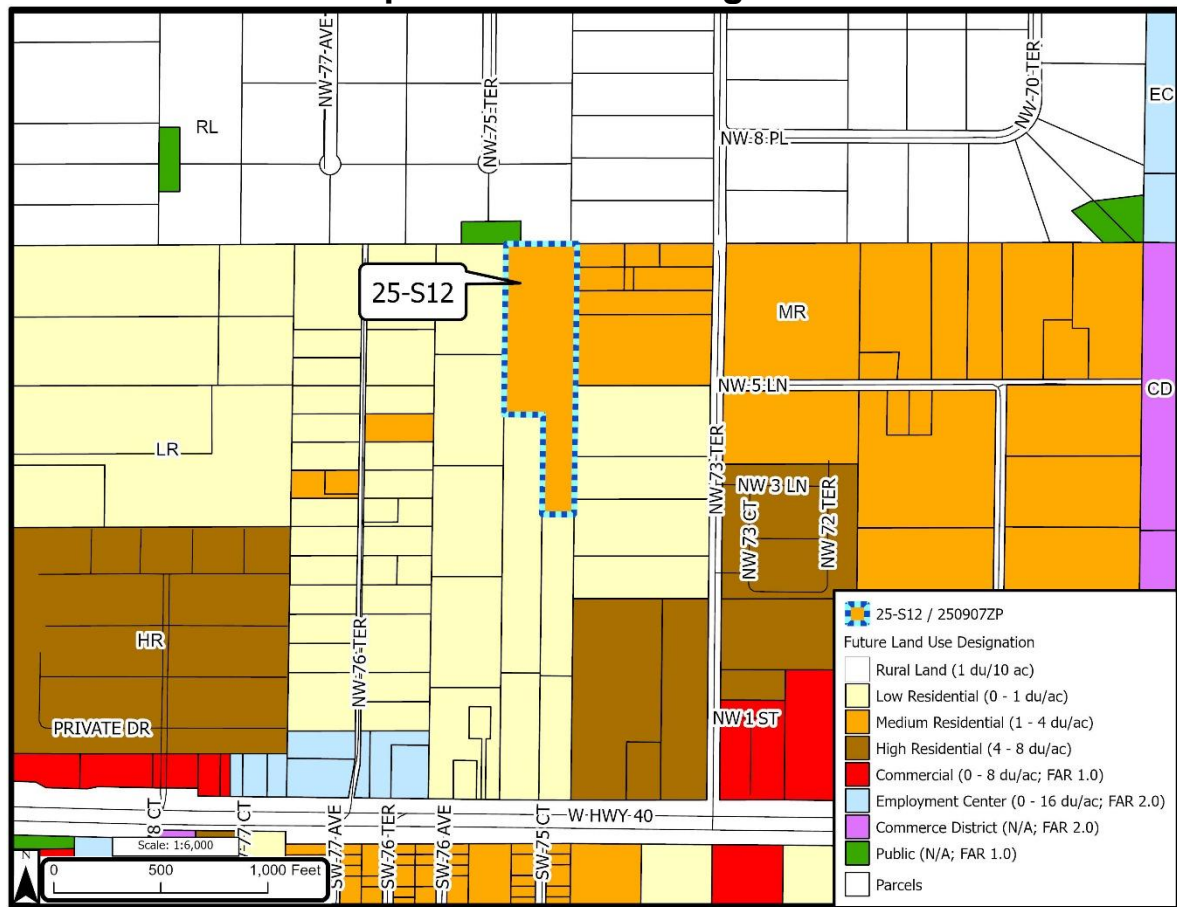


Table A, below, displays the FLUMS, Zoning Classification, and existing uses on the subject site and surrounding uses.

TABLE A. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	Existing Use Per MCPA Property Code
Subject Property	Low Residential (LR)	General Agriculture (A-1)	Improved Residential (01)
North	Low Residential (LR)	General Agriculture (A-1)	Unimproved Residential (00)
South	Low Residential (LR)	General Agriculture (A-1)	Unimproved Residential (00)
East	Medium Residential (MR)	Mixed Residential (R-4)	Unimproved Residential (00) Improved Residential (01)
West	Low Residential (LR)	General Agriculture (A-1)	Unimproved Residential (00) Acreage Unclassified (99)

C. *Project request.* Figure 6 depicts the FLUMS amendment proposed by this application. Approving the application would change the future land use designation from Low Residential (LR – 1 - DU/AC) to Medium Residential (MR – 1 – 4 DU/AC). There are residential and historical agricultural land uses that are located immediately to the west, south, and north of the subject parcel. The subject parcels are adjacent to other Medium Residential designated land uses to the east.

Figure 6
Proposed FLUMS Designation



VI. ANALYSIS

LDC Section 2.3.3.B requires a Comprehensive Plan Amendment Application to be reviewed for compliance and consistency with the Marion County Comprehensive Plan and Chapter 163, Florida Statutes. Staff's analysis of compliance and consistency with these two decision criteria is addressed below.

A. Consistency with the Marion County Comprehensive Plan

1. Future Land Use Element (FLUE).

- a. FLUE Policy 1.1.1: Marion County Planning Principles - The County shall rely upon the following principles to guide the overall planning framework and vision for the County:
 1. Preserve, protect, and manage the County's valuable natural resources.
 2. *Recognize and protect the rural equestrian and agricultural character as an asset of the County's character and economy while providing clear, fair, and consistent standards for the review and evaluation of any appropriate future development proposals.*

3. *Support the livability of the existing cities and towns in the County by planning for the logical extension of development in a manner that enhances the scale, intensity, and form of these areas through the introduction of sustainable smart growth principles and joint planning activities.*
4. *Support economic development through government practices that place a priority on public infrastructure necessary to attract such activities and that foster a local economic development environment that is conducive to the creation and growth of new businesses, the expansion of existing businesses, and is welcoming to private entrepreneur activities.*

Analysis: The applicant is requesting a land use amendment that would significantly increase the potential density/intensity of the subject parcels, but if they do lie within the UGB, municipal services are available, as well as sufficient roadway capacity on the SR 40 corridor. The step-up from Low-Residential (LR) to Medium Residential (MR) areas will not pose a threat to the surrounding parcels, as this area is projected to urbanize and it remains residential in nature. Staff finds that the proposed land use amendment poses little impact to the surrounding area and is therefore **is consistent** with FLUE Policy 1.1.1.

- b. FLUE Policy 2.1.18: Medium Residential (MR) 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 parcels are currently designated to be Low Residential (LR), which is consistent with parcels to the west, north, and south. There are adjacent parcels to the east that are designated as Medium Residential (MR) and High Residential (HR) parcels to the south. The area is within the UGB, and it is reasonable to expect that densities will continue to intensify in this area as there is a growing number of commercial uses and the World Equestrian Center is in close proximity. This application **is consistent** with FLUE Policy 2.1.22.

- c. FLUE Policy 5.1.2 on Review Criteria – Changes to the 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 decide 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 agent for the applicant has submitted a *Rezoning Consistency Memorandum* (See Attachment A) as part of the application for the proposed Land Use Amendment and the companion PUD rezoning. The submittal accurately illustrates the intent of the applicant, the potential impacts to the surrounding area, and the development characteristics of the proposed development. The proposed land use amendment does not violate any of the eleven criteria. The application is **consistent** with FLUE Policy 5.1.2.

- d. FLUE Policy 5.1.3 on the Planning & Zoning Commission (P&Z) 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: This application is scheduled to appear in front of the Planning & Zoning Commission on August 25, 2025. This application is **consistent** with FLUE Policy 5.1.3.

- e. FLUE Policy 5.1.4 on Notice of Hearing provides, “[t]he 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.

2. Transportation Element (TE)

- a. TE Policy 2.1.4 on Determination of Impact provides in part, “[a]ll proposed development shall be evaluated to determine impacts to adopted LOS standards.”

A Traffic Impact Statement has been included per LDC 2.3.2.C(3).g and based upon County Traffic Impact Analysis Guidelines. The City of Ocala has confirmed that service capacity is available. Based on the above findings, the application **is consistent** with TE Policy 2.1.4.

- b. TE Objective 3.1 on Financial Feasibility of Development is, “[t]o encourage development within the Urban Growth Boundary where infrastructure can be provided in a financially feasible manner.”

Analysis: The subject parcels do lie within the UGB, and municipal services are available. Growth Service staff contend that “infrastructure can be provided in a financially feasible manner” as services exist, and it will be the responsibility of the applicant to extend those services. Capacity charges can be estimated through Development Review at the time of Site Plan submittal if requested. Based on the above, the application **is consistent** with TE Objective 3.1.

3. Sanitary Sewer Element (SSE)

- a. SSE Policy 1.1.1 provides in relevant part, “The 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 is adopted as the basis for future facility design, determination of facility capacity, and documentation of demand created by new development. This LOS shall be applicable to central sewer facilities and to package treatment plants, but shall not apply to individual OSTDS.”

Analysis: 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 for 13,200 gallons per day.

The property is within the UGB and within the City of Ocala Utilities’ Service Areas. Sewage services can be accommodated through capacities that are currently available. Based on these findings, the application is **consistent** with SSE Policy 1.1.1.

4. Potable Water Element (PWE)

- a. PWE Policy 1.1.1 provides in part, “[t]he LOS standard of 150 gallons per person per day (average daily consumption) is adopted as the basis for future facility design, determination of available facility capacity, and determination of demand created by new development with regard to domestic flow requirements, and the non-residential LOS standard shall be 2,750 gallons per acre per day.”

Analysis: The property is within the UGB and is within the City of Ocala Utilities’ Service Area. Projected daily usage would be 18,000 gallons per day. Potable water impacts would not adversely affect the public interest. The City of Ocala has confirmed that service capacity is available. Based on these findings, the application is generally **consistent** with PWE Policy 1.1.1.

5. Solid Waste Element (SWE)

- a. SWE Policy 1.1.1 provides, “[t]he LOS standard for waste disposal shall be 6.2 pounds of solid waste generation per person per day. This LOS standard shall be used as the basis to determine the capital facilities or contractual agreements needed to properly dispose of solid waste currently generated in the County and to determine the demand for solid waste management facilities, which shall be necessitated by future development.”

Analysis: The County has identified and arranged for short-term and long-term disposal needs by obtaining a long-term contract reserving capacity with a private landfill in Sumter County. Based on the above findings, the application is **consistent** with SWE Policy 1.1.1.

6. Stormwater Element (SE).

- a. SE Policy 1.1.4 provides, “[t]he demand for stormwater facility capacity by new development and redevelopment shall be determined based on the difference between the pre-development and post-development stormwater runoff characteristics (including rates and volumes) of the development site using the applicable design storm LOS standard adopted in Policy 1.1.1 and facility design procedures consistent with accepted engineering practice.”

Analysis: The capacity of stormwater storage facilities will be calculated during the design and engineering phases of the project, should it be approved. Based on the above, the application is **consistent** with SE Policy 1.1.4.

- b. SE Policy 1.1.5 provides, “Stormwater facilities meeting the adopted LOS shall be available concurrent with the impacts of the development.”

Analysis: The owner is advised that they will be responsible for funding the stormwater facilities with sufficient capacity to accommodate the post-development runoff. Based on the above findings, the application is **consistent** with SE Policy 1.1.5.

7. Public School.
 - a. The proposed rezoning is residential in nature and will generate new students. However, at twenty-five duplex buildings, for a total of fifty residential units, the development is minimal, and sufficient capacity in the Marion County Public School system has been confirmed by that agency. Based on the above findings, the proposed development would not adversely affect public interest. Therefore, it is concluded that the application is **consistent** with this section.
8. Fire Rescue/Emergency.
 - a. The site is officially located in the service district for Marion County's Golden Ocala #20, located at 3600 NW 70th Avenue, approximately 3.4 miles north-northwest of the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency 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 findings, the application is **consistent** with this section.
9. Law Enforcement/Sheriff.
 - a. The site is officially located in the service district for Marion County's Main Operations Center, located at 692 NW 30th Avenue, approximately five miles due east of the subject property. The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency 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 findings, the application is **consistent** with this section.

In summation, when weighing the totality of the circumstances, the application is **consistent** with the Comprehensive Plan.

B. *Consistency with Chapter 163, Florida Statutes.*

1. Section 163.3177(6)(a)8 provides, "Future land use map amendments shall be based upon the following analyses:
 - a. An analysis of the availability of facilities and services.
 - b. An analysis of the suitability of the plan amendment for its proposed use, considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.
 - c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section."

Analysis: Section A of this staff report included a detailed analysis of the availability of facilities, services, and suitability. Services are present in the area, and the proposed use of the subject parcel is an expansion of an

established use. Based on this information, the application **does comply with and conform to** F.S. Section 163.3177(6)(a)8a.

The analysis of the suitability of the plan amendment for its proposed use was addressed in the “Character of the area” section of this staff report, and it was found that the application **does comply with and conform to** F.S. Section 163.3177(6)(a)8b.

The analysis of the minimum amount of land needed to achieve the goals and requirements of this section was functionally addressed in the analysis of FLUE Policies. Therefore, the application **complies with and conforms to** F.S. Section 163.3177(6)(a)8c.

2. Section 163.3177(6)(a)9 provides, “[t]he future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.
 - a. Subsection ‘a’ provides, “[t]he primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:
 - (I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.
 - (II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
 - (III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
 - (IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
 - (V) *Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.*
 - (VI) Fails to maximize use of existing public facilities and services.
 - (VII) Fails to maximize use of future public facilities and services.
 - (VIII) *Allows for land use patterns or timing that disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.*
 - (IX) *Fails to provide a clear separation between rural and urban uses.*

- (X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
- (XI) Fails to encourage a functional mix of uses.
- (XII) Results in poor accessibility among linked or related land uses.
- (XIII) Results in the loss of significant amounts of functional open space.

Analysis: Staff finds that the proposed use does not promote urban sprawl, makes efficient use of municipal infrastructure and services by concentrating within the UGB, will not impact sensitive natural features, will serve as a delineation between urban and rural lands, and utilizes existing access points to the SR 40 corridor as the primary source of ingress/egress. Overall, staff finds the application **is consistent** with F.S. Section 163.3177(6)(a)9a.

- b. Subsection 'b' provides, "[t]he future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:
 - (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
 - (II) *Promotes the efficient and cost-effective provision or extension of public infrastructure and services.*
 - (III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
 - (IV) Promotes conservation of water and energy.
 - (V) *Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.*
 - (VI) Preserves open space and natural lands and provides for public open space and recreation needs.
 - (VII) Creates a balance of land uses based upon the demands of the residential population for the nonresidential needs of an area.
 - (VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164."

Analysis: The site is located within the UGB and is served by municipal water and sewer services, which will be extended at the applicant's expense. The small-scale land use amendment is consistent with the adjacent Medium Residential (MR) land use already present in the area and

will allow for single-family residential format in two-family dwellings. The proposed land use amendment, even with the proposed rezoning, still maintains compatibility with the surrounding area or F.S. Section 163.3.177(6)(a)9. Based on this finding, the proposed amendment **is consistent** with F.S. Section 163.3.177(6)(a)9.

VII. 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 the Board of County Commissioners to **DENY** the proposed small-scale FLUMS 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 the Board of County Commissioners 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.

VIII. STAFF RECOMMENDATION

Staff recommends the Planning and Zoning Commission (PZC) 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 the Board of County Commissioners for **APPROVAL WITH CONDITIONS** of the proposed small-scale FLUMS amendment number 25-S12 based on the following:

- A. The application **is consistent** with the following Comprehensive Plan provisions:
 - 1. FLUE Policies 5.1.2, 5.1.3 and 5.1.4,
 - 2. FLUE Policy 1.1.1, 2.1.13, 2.1.18,
 - 3. SSE Policy 1.1.1, 1.1.4
 - 4. PWE Policy 1.1.1,
 - 5. SWE Policy 1.1.1,
 - 6. SE Policies 1.1.1, 1.1.5,
 - 7. TE Objectives 2.1.4 and 3.1
- B. The application **does comply with and conform to** Florida Statutes, Sections 163.3177(6)(a)8a, 163.3177(6)(a)8c, 163.3177(6)(a)8b, and 163.3177(6)(a)9, subsections a and b, as provided in prior report sections VI.A and VI.B

IX. PLANNING & ZONING COMMISSION RECOMMENDATION

APPROVAL (5-1)

X. BOARD OF COUNTY COMMISSIONERS ACTION

TBD

XI. LIST OF ATTACHMENTS

- A. Application Package with Rezoning Memorandum
- B. DRC Staff Review Comments.
- C. Site/Sign Photos.
- D. Traffic Statement