



**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: 10/28/2024</b>	<b>BCC Date: 11/19/2024</b>
<b>Case Number</b>	241105ZC
<b>CDP-AR</b>	31943
<b>Type of Case</b>	Rezoning from Community Business (B-2) and General Agriculture (A-1) to Residential Estate (R-E)
<b>Owner</b>	Dylan & Kaitlyn Deming
<b>Applicant</b>	Dylan & Kaitlyn Deming
<b>Street Address</b>	Vacant (No Assigned Address)
<b>Parcel Number</b>	14152-002-00
<b>Property Size</b>	±5.45 acre
<b>Future Land Use</b>	Commercial (COM) and Low Residential (LR)
<b>Zoning Classification</b>	Community Business (B-2) and General Agriculture (A-1)
<b>Overlay Zone/Scenic Area</b>	Farmland Preservation Area (FPA) Primary Spring Protection Zone
<b>Staff Recommendation</b>	<b>APPROVAL</b>
<b>P&amp;ZC Recommendation</b>	<b>APPROVAL (On Consent)</b>
<b>Project Planner</b>	Aubrey Griffin
<b>Related Case(s)</b>	N/A

## I. ITEM SUMMARY

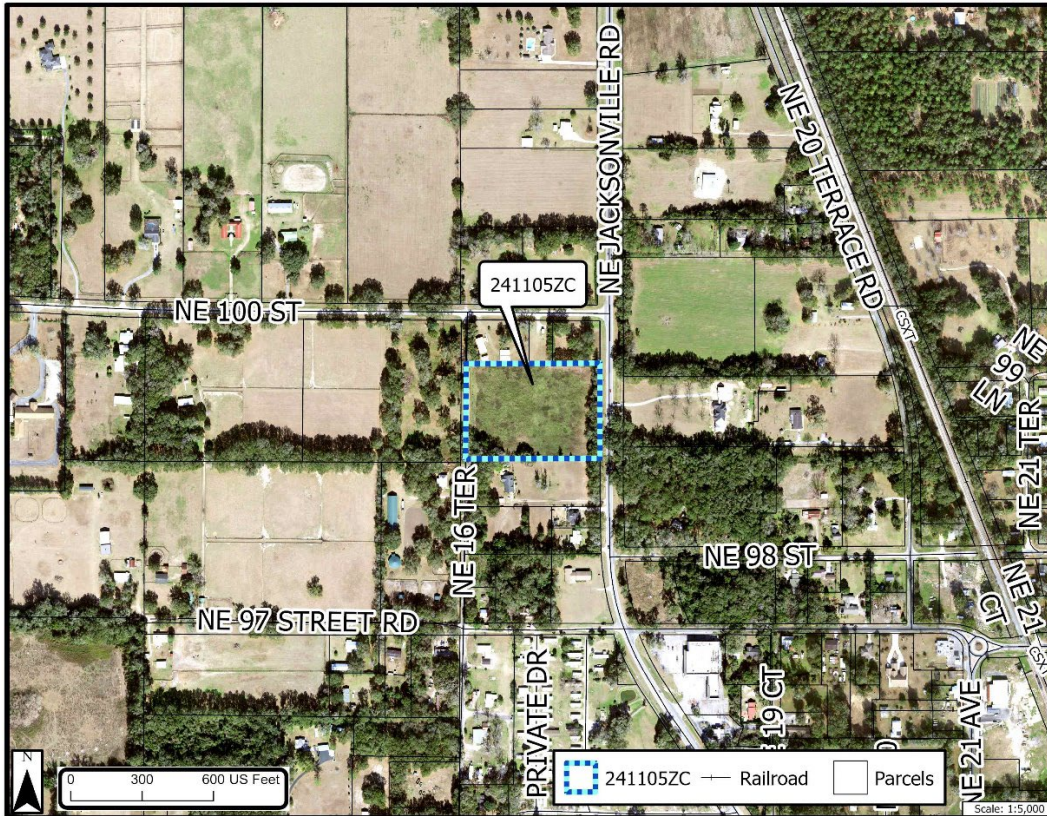
Dylan & Kaitlyn Deming have filed a application to rezone a ±5.45-acre site from Community Business (B-2) and General Agriculture (A-1) to Residential Estate (R-E) pursuant to provisions of the Land Development Code (LDC) Division 2.7 and LDC Section 4.2.8. The intent of the rezoning is to place a single-family home on the property and have some livestock for personal use.

The Parcel Identification Number for the property is 14152-002-00; the site address is Vacant (No Assigned Address). 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 Primary Spring's Protection Overlay Zone (PSPZ).

## 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**

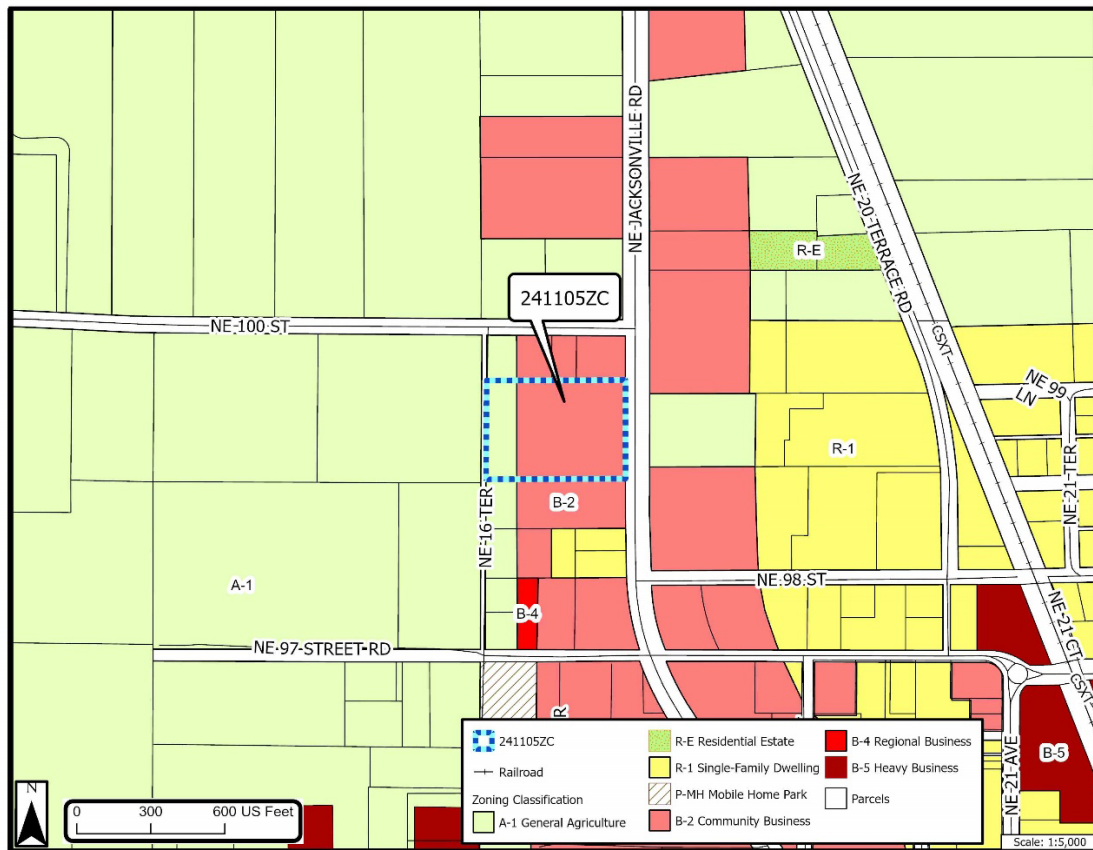
Notice of public hearing was originally mailed to 11 property owners within 300 feet of the subject property on October 14, 2024. A public hearing notice sign was also posted on the property on October 18, 2024, advertising the first hearing to occur before the Planning and Zoning Commission on October 28, 2024, at 5:30 PM, and the second hearing to occur on November 19, 2024 at 2:00 PM.

As of the date of the initial distribution of this Staff Report, no correspondence in support of or in opposition to the amendment has been received. Evidence of the public hearing notices are on file with the Growth Services Department and are incorporated herein by reference.

## BACKGROUND/PROPERTY HISTORY

*ZDM history.* Figure 2 shows the subject property is classified as Community Business (B-2) and General Agriculture (A-1). This is its initial zoning classification. Figure 3 shows the proposed zoning of the subject property.

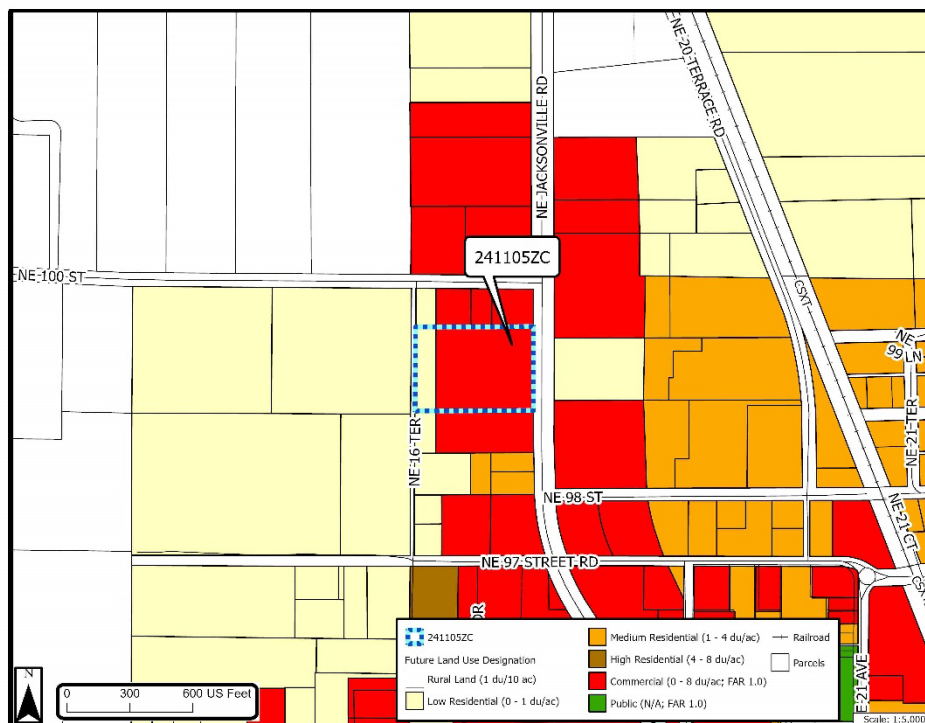
**Figure 2**  
**Zoning District Map**



- A. *FLUMS history.* Figure 3 displays the FLUMS designation of the subject property and the surrounding properties. The subject property currently carries a Low Residential (LR) land use, which, according to the Marion County Comprehensive Plan, Policy 2.1.17 “This land use designation is intended to recognize areas suited for primarily single-family residential units for existing and new development within the UGB, a PSA or Urban Area. Parcels outside of, but contiguous to the UGB and outside of the FPA are eligible for conversion to Low Residential designation through density bonus programs consistent with FLU Policy 2.1.3. The density range shall be up to one (1) dwelling unit per one (1) gross acre, as further defined in the LDC. This land use designation is considered the Urban Area. Where Low Residential abuts the Farmland Preservation Area or other Rural Area, hamlet, clustered or other development methods to preserve large tracts of open space is encouraged.” This property also carries Commercial (COM) land use, which, according to the Marion County Comprehensive Plan Policy 2.1.22 “This

land use designation is intended to provide for mixed-use development focused on retail, office, and community business opportunities to meet the daily needs of the surrounding residential areas; and allows for mixed residential development as a primary use or commercial uses with or without residential uses. The density range shall be up to eight (8) dwelling units per one (1) gross acre and a maximum Floor Area Ratio of 1.0, as further defined in the LDC. This land use designation is allowed in the Urban Area and allows for campgrounds and recreational vehicle parks (RVP).”

**Figure 3  
Future Land Use Map**



#### IV. CHARACTER OF THE AREA

##### A. Existing site characteristics.

Figure 4, below, is an aerial photograph showing the subject property and surrounding area. Parcels to the north are residential and vacant commercial, and to the south are single-family residential. Parcels to the west are ag production; to the east (across NE Jacksonville RD) are Ag production and Multi-Family Residential (MFR). The zonings to the north, east, and south consist of General Agriculture (A-1), Community Business (B-2), and Single-family Residential (R-1) and to the west consists of General Agriculture (A-1) and Rural Land (RL).

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



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

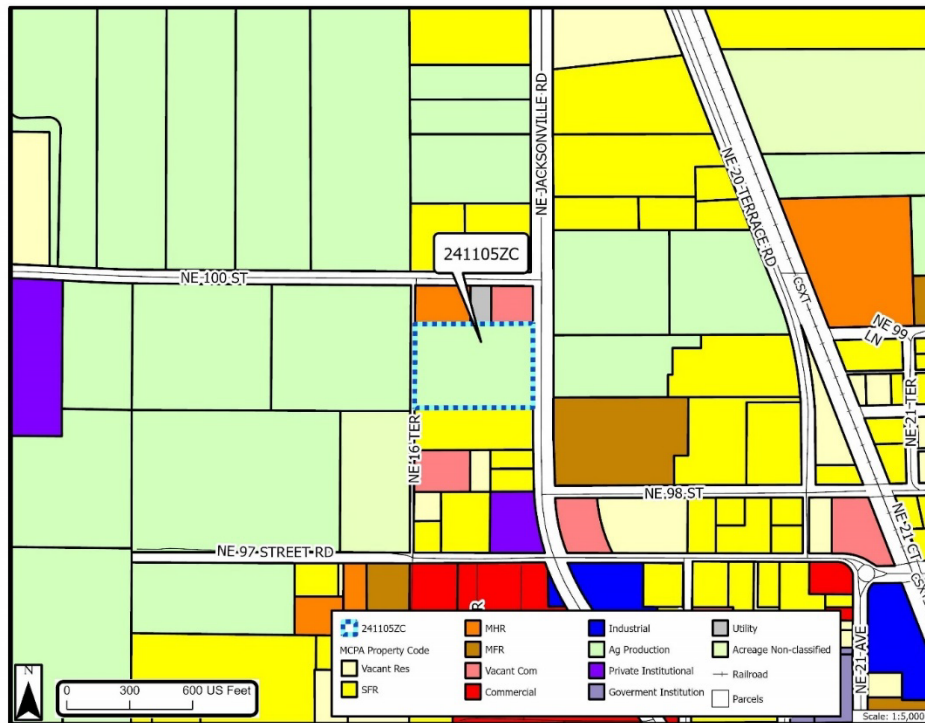


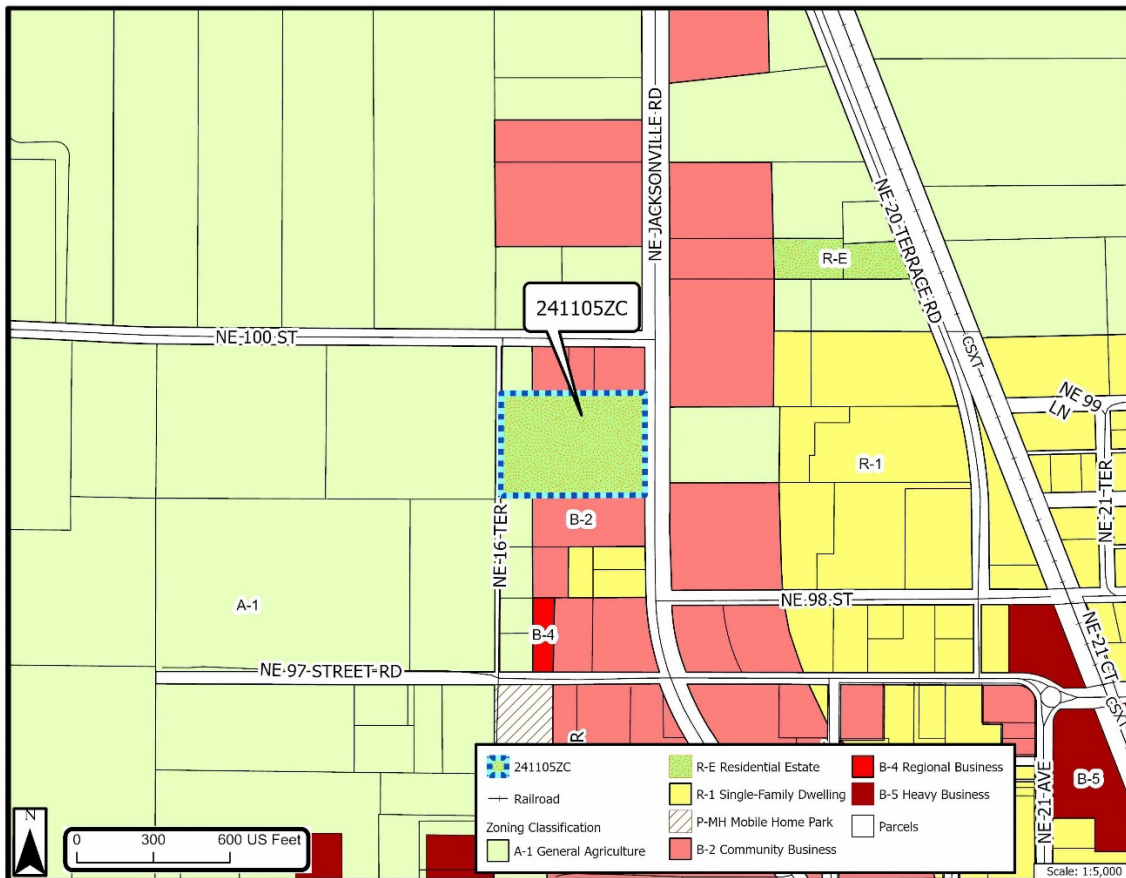
Table 1, below displays the FLUMS, Zoning Classification, and existing uses on the subject site and surrounding uses.

<b>TABLE 1.</b> <b>ADJACENT PROPERTY CHARACTERISTICS</b>			
<b>Direction</b>	<b>FLUM Designation</b>	<b>Zoning Classification</b>	<b>Marion County Property Appraiser Existing Use</b>
<b>Subject Property</b>	Commercial (COM) and Low Residential (LR)	General Agriculture (A-1) Community Business (B-2)	Ag Production
<b>North</b>	Commercial (COM) Low Residential (LR)	General Agriculture (A-1) Community Business (B-2)	Vacant Commercial Medium High Residential (MHR) Government Institution
<b>South</b>	Commercial (COM) Low Residential (LR)	General Agriculture (A-1) Community Business (B-2)	Single Family Residential (SFR)
<b>East</b>	Commercial (COM) Low Residential (LR)	General Agriculture (A-1) Community Business (B-2)	Ag Production Multi-Family Residential (MFR)
<b>West</b>	Low Residential (LR)	General Agriculture (A-1)	Ag Production

**B. Project request.**

Figure 6 depicts the proposed zoning change by this application. Approving the application would change the Low Residential and Commercial land use designation to the Residential Estate land use designation, allowing the 5.45-acre portion to develop at a density of up to 1 dwelling units per acre.

**Figure 6**  
**Proposed Zoning Map**



## V. ANALYSIS

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

1. Transportation impacts. These include roadways, public transit, and other mobility features.
  - a. Roadways. Staff recommends adding access from NE 16th Terr. The rezoning from A-1 and B-2 to R-E would not change the use of existing property. Therefore, the application will not affect the traffic on the existing roadways.
  - 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 NE Jacksonville 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 would result in a demand of 375 gallons per day. However, the rezoning from A-1 and B-2 to R-E would not change the residential use on the property. Thus, the rezoning would not affect the demand change of potable water.

The property is within the Farmland Preservation Areas and not in the Marion County Utility Service Areas. 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 non-residential calculation, the entire property would result in 275 per day. However, the rezoning from A-1 and B-2 to R-E would not change the residential use on the property. Thus, the rezoning would not affect the demand change of sanitary sewer.

The property is within the Farmland Preservation Areas and not in the Marion County Utility Service Areas. 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 above, 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 #1, located at 3199 NE 70th St, Ocala, FL 34479, roughly 4.1 miles south 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, the rezoning **fire rescue/emergency impacts would not adversely affect the public interest.**
8. Law enforcement. The nearest Sherriff substation is located approximately 4.5 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 proposed rezoning to R-E to allow for a residential estate. The school zones for this property would include Anthony Elementary (74.03% utilization) 9501 NE Jacksonville Rd, Anthony, FL 32617 located approximately 0.8 miles southeast of the property. North Marion Middle (74.15% utilization) 2085 W Hwy 329, Citra, FL 32113 located approximately 6.5 miles northwest of the property and North Marion High school (68.49% utilization) 151 W Hwy 329, Citra, FL 32113 located approximately 4.9 miles northwest of the property. Therefore, the application's **public-school impacts would not adversely affect the public interest.**

In summation, when weighing the totality of the circumstances, **the public interest is not adversely affected.**

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

1. FLUE Policy 2.1.22: Commercial (COM) This land use designation is intended to provide for mixed use development focused on retail, office, and community business opportunities to meet the daily needs of the surrounding residential areas; and allows for mixed residential development as a primary use or commercial uses with or without residential uses. The density range shall be up to eight (8) dwelling units per one (1) gross acre and a maximum Floor Area Ratio of 1.0, as further defined in the LDC. This land use designation is allowed in the Urban Area and allows for campgrounds and recreational vehicle parks (RVP).

**Analysis:** The subject site is located within Commercial land use and will be within the density range of zero (0) to eight (8) dwelling units per one (1) gross acre.

2. 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:** Allowing the zoning change to Residential Estate will help preserve the land and avoid heavy commercial use on this property.

3. Objective 7.4: Springs Overlay Zone (SPOZ). To provide an additional level of water quality protection for springs and groundwater throughout the county by reducing and managing potential groundwater contamination for water supplies.

**Analysis:** By changing to Residential estate (R-E) it will be beneficial for the Spring Overlay zone due to being a less intense use.

4. 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 October 28, 2024. Planning and Zoning Commission and, therefore, the application is consistent with this FLUE Policy 5.1.3.

5. 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.

6. Transportation Element (TE) Policy 2.1.4 on determination of impact provides in part, "All proposed development shall be evaluated to determine impacts to adopted LOS standards."

**Analysis:** The rezoning will not change the land use or actual use on the subject property. The proposed rezoning from Community Business (B-2) and General Agriculture (A-1) to Residential Estate (R-E) will not generate additional trips. However, the development of the site will be subject to traffic engineering review, impact analysis, and will be required to address access management and capacity improvements. Staff concludes the proposed rezoning will be consistent with TE Policy 2.1.4.

Based on the above findings, the proposed rezoning **is consistent with the Comprehensive Plan.**

## I. 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, amend the findings and conclusions contained herein so as to support a recommendation for the approval of the Ordinance, and make a recommendation to adopt a proposed Ordinance to **APPROVE** the rezoning amendment.
- C. 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 of County Commissioners (BCC) 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 small-scale FLUMS amendment number 24-S01 because the application **is consistent with:**

- A. The Marion County Comprehensive Plan, specifically with:
  - 1. FLUE Policies: 2.1.22, 5.1.3, 5.1.4
  - 2. FLUE Objective 3.3, 7.4
  - 3. TE Policy 2.1.4;
- B. The Florida Statutes, specifically with:
  - 1. F.S. Section 163.3177(6)(a)8, subsection a; and
  - 2. F.S. Section 163.3.177(6)(a)9, subsections a.

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

Approval (On Consent)

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

To be determined.

## **IX. LIST OF ATTACHMENTS**

- A. Application
- B. Development Review Committee Comment
- C. Site Photos