



**Marion County
Board of County Commissioners**

Growth Services

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Ocala, FL 34470
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**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 04/28/2025	BCC Date: 05/19/2025
Case Number	250505ZC
CDP-AR	32482
Type of Case	Rezoning from Mixed Residential (R-4) to Rural Residential (RR-1).
Owner	Gary Martin & John Martin
Applicant	Justin Clark & Associates.
Street Address/Site Location	10850 SW 105 th Ave, Ocala FL 34481
Parcel Number(s)	3499-003-116
Property Size	±4.60 acres
Current Future Land Use	Rural Land (RL)
Current Zoning Classification	Mixed Residential (R-4)
Overlays Zones/Special Areas	Secondary Springs Protection Zone (SSPZ)
Staff Recommendation	Approval
P&Z Recommendation	TBD
Project Staff	Antony Alva, GIS Technician Analyst
Related Cases	N/A

I. ITEM SUMMARY

Staff recommends approval of the rezoning request for this ±4.60-acre property from R-4 (Mixed Residential) to RR-1 (Rural Residential)—in accordance with the Marion County Land Development Code (LDC), Article 2, Division 7, Zoning Change (**See Attachment A**). The property, owned by Gary Martin & John Martin and represented by Justin Clark & Associates, has the Parcel Identification Number 3499-003-116. It is located on the west frontage of SW 105th Ave, with a site address of 10850 SW 105th Ave, Ocala, FL 34481. The legal description is provided in the application (Attachment A). The site lies outside both the Farmland Preservation Area (FPA) and the Urban Growth Boundary (UGB) but is within the Secondary Springs Protection Overlay Zone (SSPOZ).

The subject property (**Figures 1 & 1.2**) comprises a single parcel—Lot 16, Block 3—located outside the Southeastern Tung Oil subdivision (the property is not within a subdivision). This application seeks to rezone the entire property from R-4 (Mixed Residential) to RR-1 (Rural Residential), for all permitted uses within the Rural Residential classification. The applicant intends to develop the parcel with two residential structures: a primary dwelling and a guest home. Situated in a rural area outside the UGB and surrounded by residential and agricultural uses, the property's current R-4 (Mixed Residential) designation is incompatible with the surrounding rural land use. The proposed rezoning to RR-1 (Rural Residential) will align more appropriately with the surrounding environment and Marion County's rural land use goals.

The request is consistent with Future Land Use Element (FLUE) **Policy 2.1.21**, which prioritizes rural area preservation by limiting higher-density development outside the UGB. By directing urban-scale development within the UGB, the FLUE aims to minimize sprawl and protect rural landscapes.

Staff analysis confirms that the rezoning will not adversely impact public services or infrastructure—including transportation, potable water, sewer, solid waste, recreation, and emergency services. The Marion County Transportation Planning Organization has verified that the rezoning will not affect the level of service on local roads.

Given its consistency with FLUE policies and its enhanced compatibility with surrounding land uses, staff recommends approval of the rezoning request, as it aligns with Marion County's long-term planning goals and rural land use policies. (**Complete report below**)

Figure 1
Regional Location Map

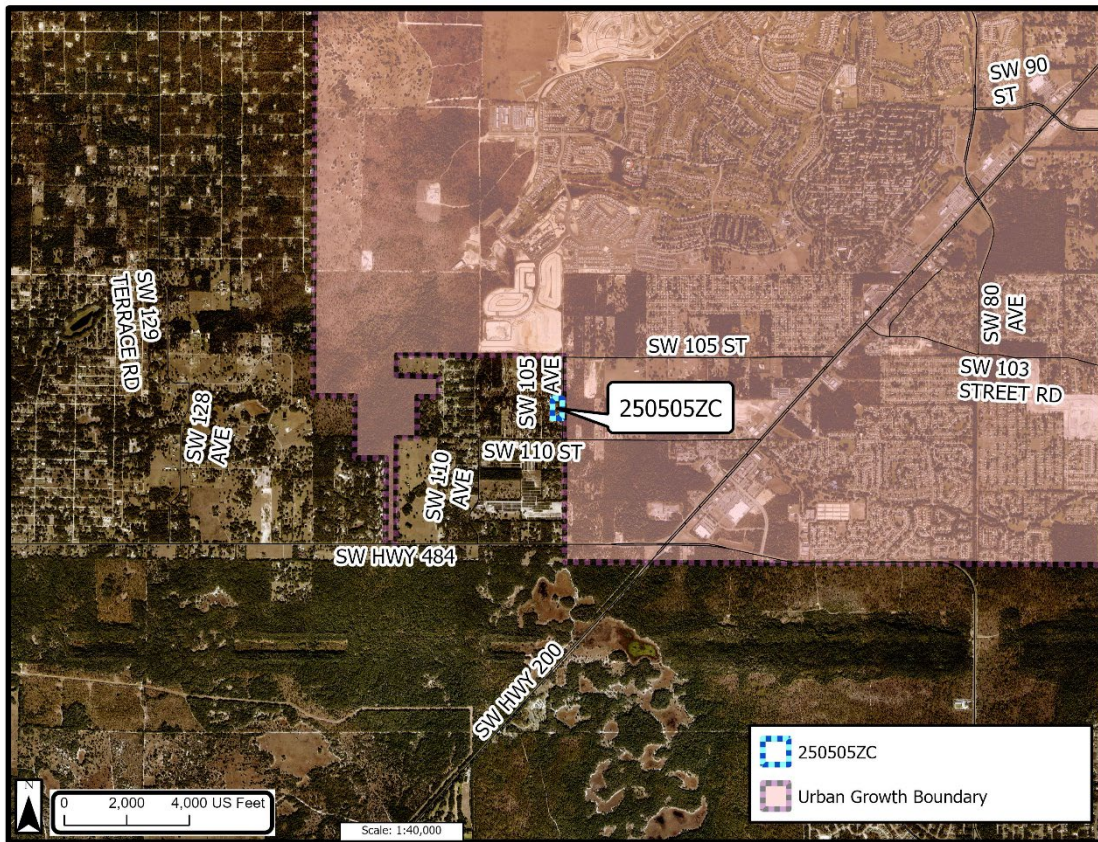


Figure 1.2
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning application. The rezoning will establish a zoning classification which is consistent with Marion County's intent for the future land use of the property and Marion County's Comprehensive Plan.

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 (11 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 9, 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.

TABLE A. Adjacent Property Characteristics			
Direction	FLUM Designation	Zoning Classification	Existing Use per Property Appraiser Code
North	Rural Land (RL)	General Agriculture (A-1)	Multi-Family Residential (MFR)
South	Rural Land (RL)	Mixed Residential (R-4)	Vacant Residential
East	Low Residential (LR)	General Agriculture (A-1)	Acreage / Non Classified
West	Rural Land (RL)	Mixed Residential (R-4)	Mobile Home Residential (MHR) Vacant Residential

Table A presents the information from Figures 2, 3, 4, and 5 in a tabular format.

In accordance with LDC Section 2.7.3.D, staff conducted a site visit and determined that the subject property is developed. According to the Property Appraiser, it is classified as Mobile Home Residential (MHR). To the north, several smaller parcels are developed with multi-family residential (MFR) and mobile home residential (MHR) uses. To the west, a few homes have been developed, while to the east, the parcels lie within the Urban Growth Boundary. However, the Property Appraiser classifies the eastern parcel as Acreage/Non-Classified. **See Attachment C for site photos.**

IV. ANALYSIS

LDC Section 2.7.3.E.(2) provides that in making a recommendation to the Board, the Planning and Zoning 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 Uses*

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 1.2) is a general location aerial displaying existing and surrounding site conditions.

Figure 2 shows the subject property as well as all surrounding properties designated as Rural Land (RL) and Low Residential (LR).

Figure 2
FLUMS Designation

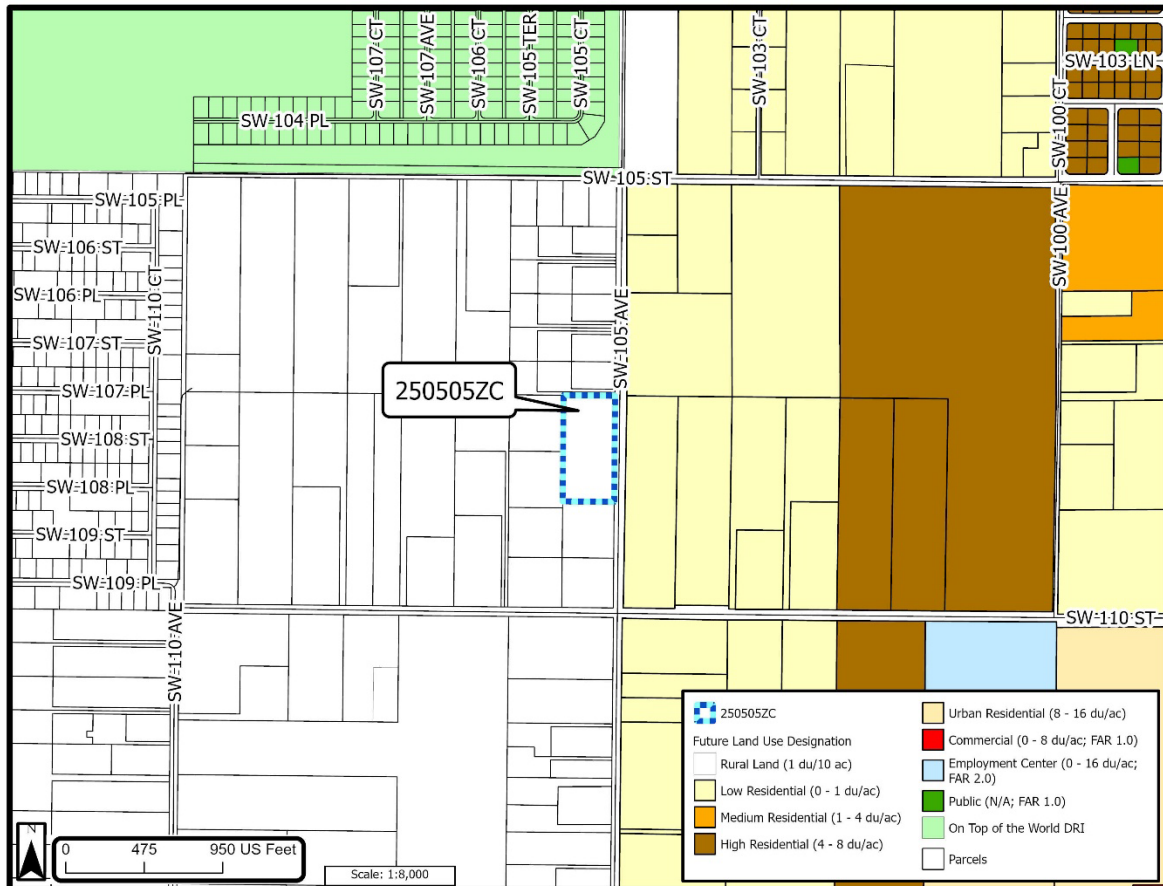


Figure 3 displays the proposed zoning for the subject property in relation to the existing zoning of the surrounding properties. North of the subject site is General Agriculture (A-1) zoning classifications, west and south is Mixed Residential (R-4) and east is an area of General Agriculture (A-1). The existing Mixed Residential (R-4) are inconsistent with the Rural Land use designation.

The site is located outside the Urban Growth Boundary (UGB) as well as the Farmland Preservation Area (FPA).

Figure 3
Proposed Zoning Classification

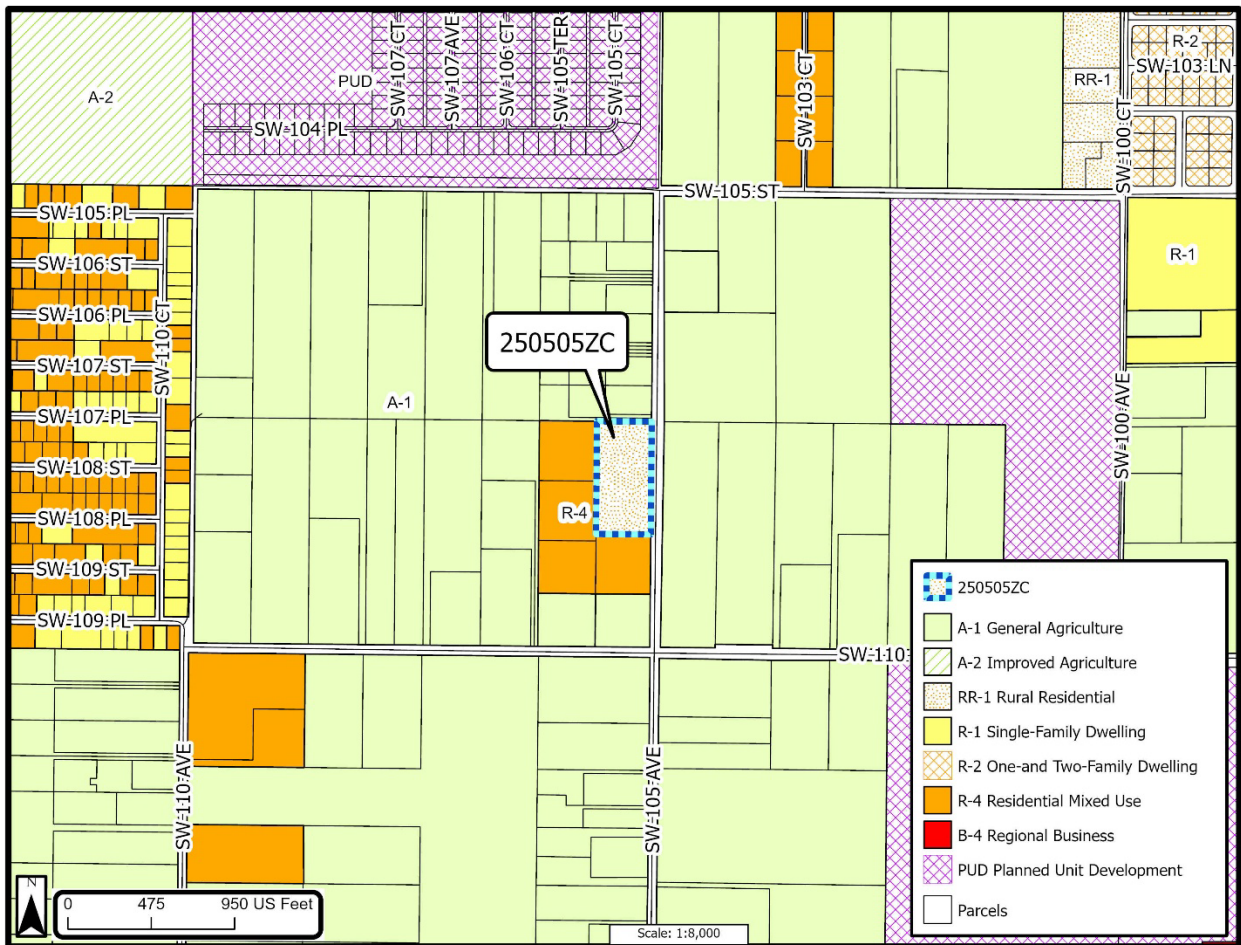


Figure 4
Property Aerial

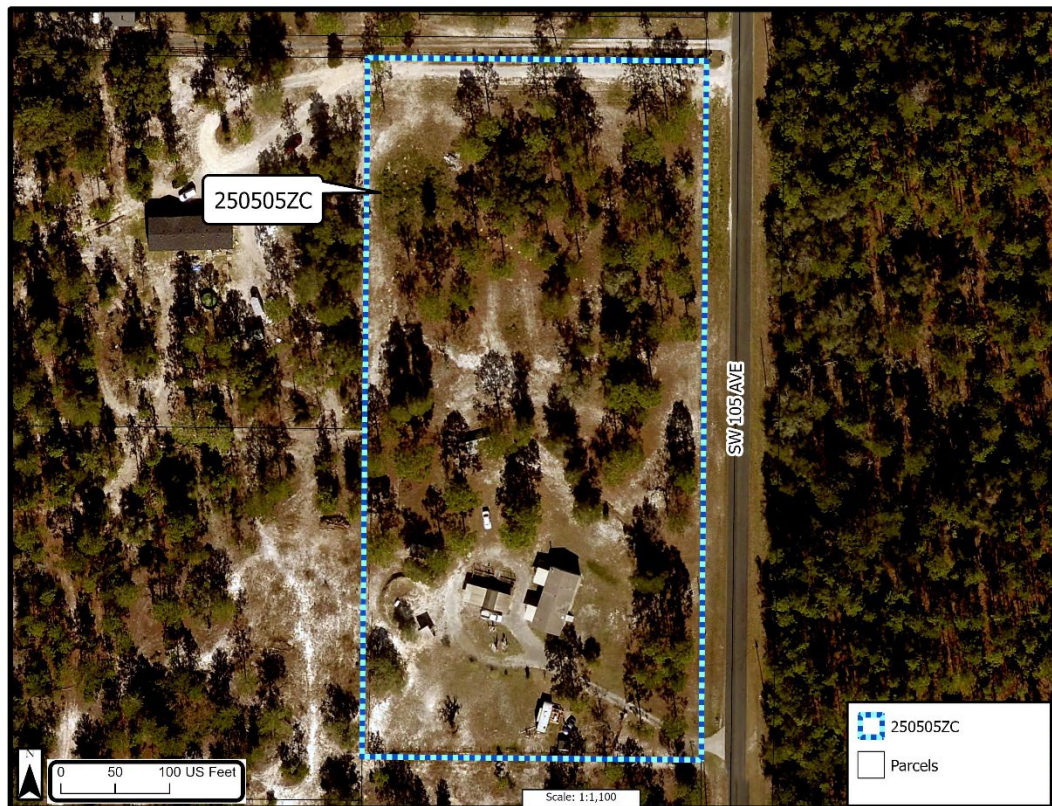
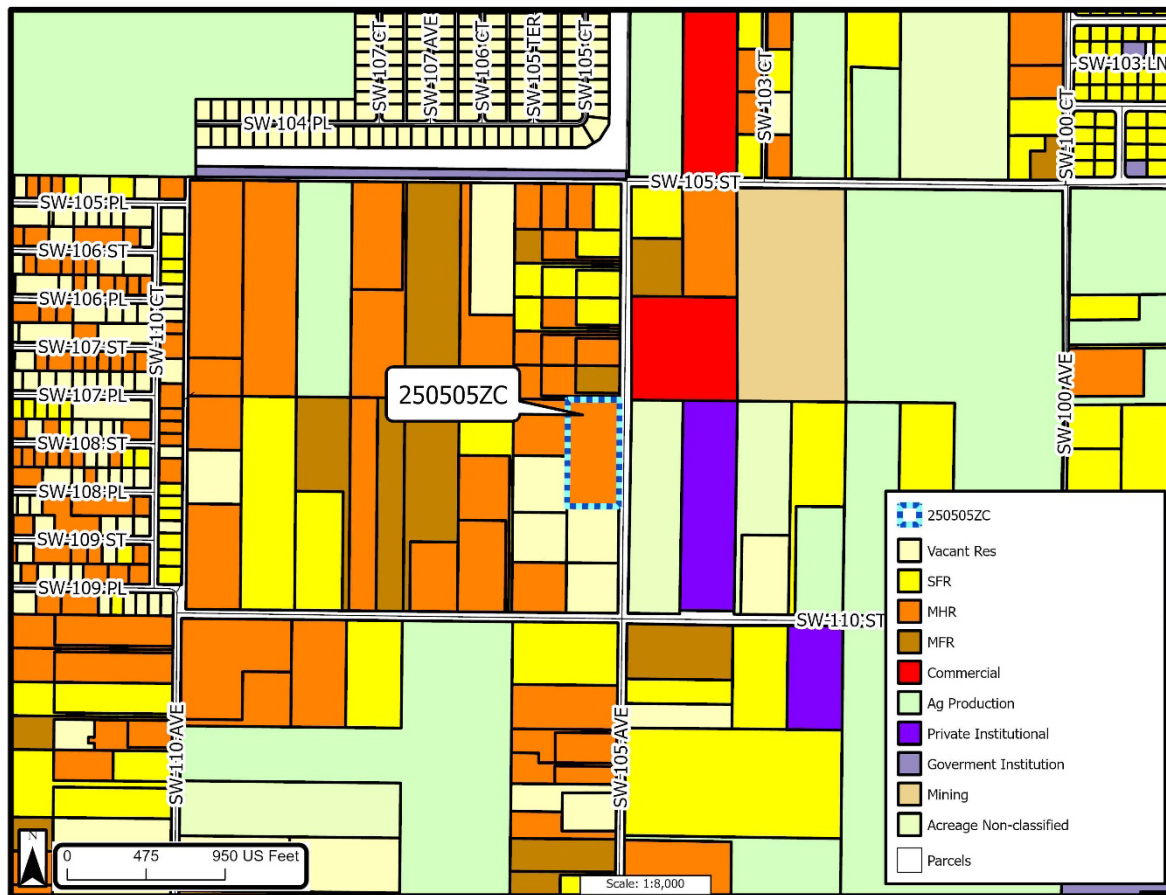


Figure 4 shows an aerial image of the subject property and the surrounding area. It's important to note that the subject property has only one driveway access point, located at the south corner. An unpaved driveway easement at the north corner provides access to the adjacent parcel to the west, while Figure 5 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



Figures 6 and 6.1 provide current zoning classifications for the subject property. Figure 6.1 specifically displays the parcel(s) that were rezoned from General Agriculture (A-1) to Rural Residential (RR-1), as approved by the Board of County Commissioners (BCC).

Figure 6
Current Zoning Classification

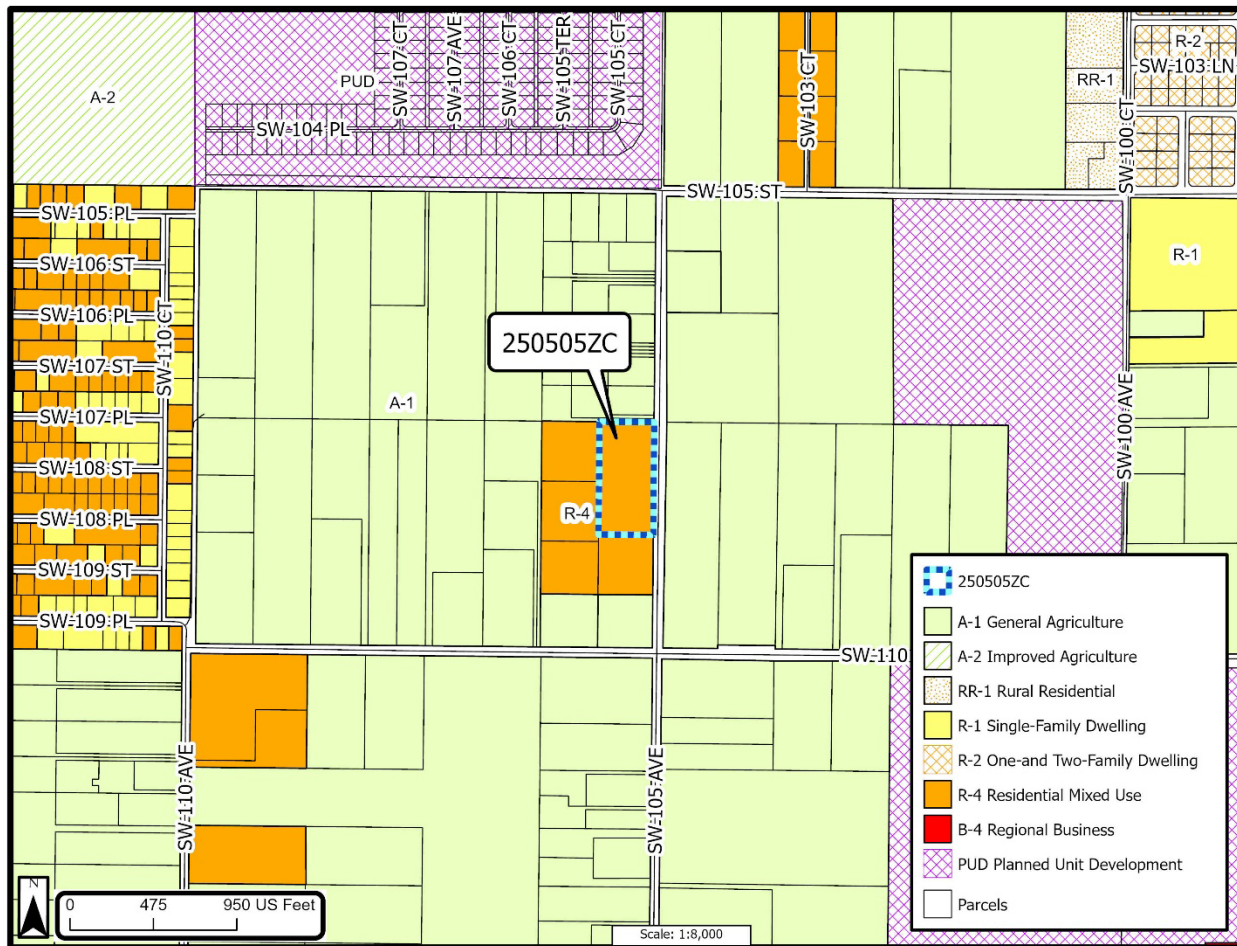
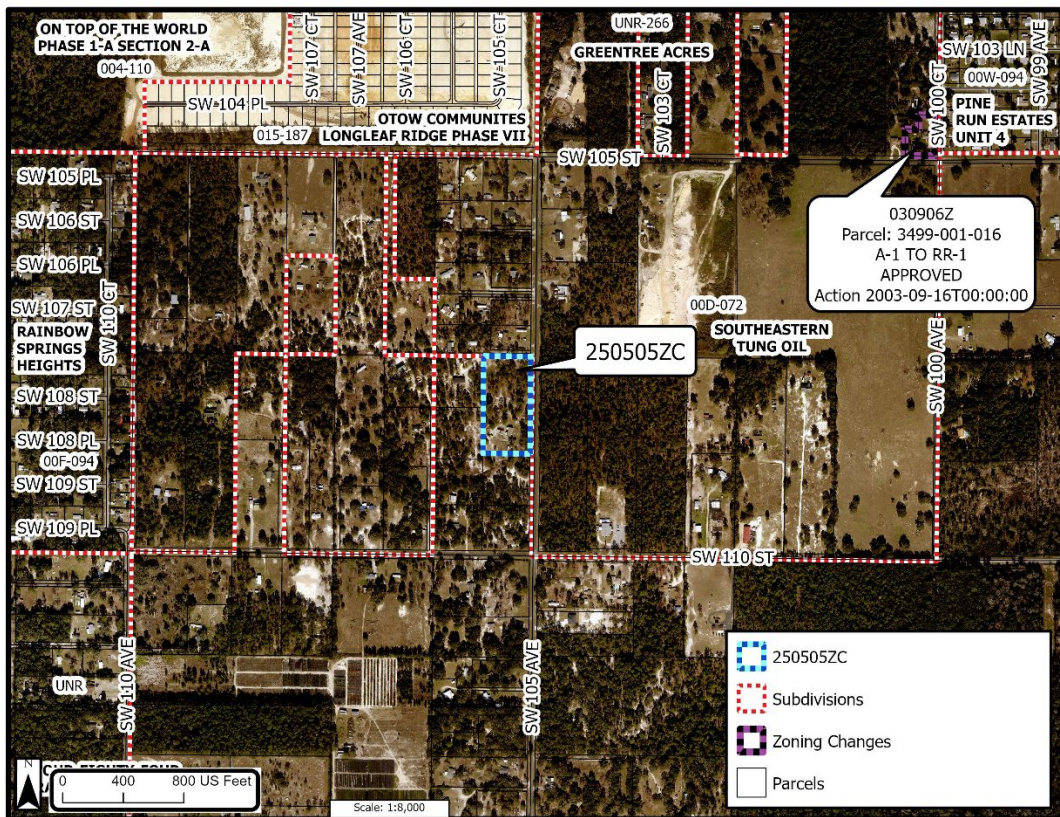


Figure 6.1
Current Zoning Change near Subject Property



This application seeks to rezone the property from Mixed Residential (R-4) to Rural Residential (RR-1). A nearby parcel (3499-001-016) was rezoned from General Agriculture (A-1) to Rural Residential (RR-1) under request #030906Z on September 16, 2003. Although this rezoning occurred over 20 years ago, the surrounding area has retained its rural character, in line with the Comprehensive Plan and Land Development Code.

While the subject parcel is located outside of a subdivision and the Urban Growth Boundary, the area still maintains a distinct rural appeal. Figure 6.1 provides an aerial image of the subject property and its surroundings, including nearby subdivisions. This figure also highlights Case #030906Z, which approved the zoning change from General Agriculture (A-1) to Rural Residential (RR-1). The current rezoning request aligns with this prior zoning change, preserving the rural character of the area. It also remains compatible with the Urban Growth Boundary, and the proposed change would not adversely impact the public interest with respect to residential zoning density.

Figure 7 provides an overview of current residential developments near the subject property, all located within the Urban Growth Boundary, as shown in Figure 1.

Figure 7
Residential Developments

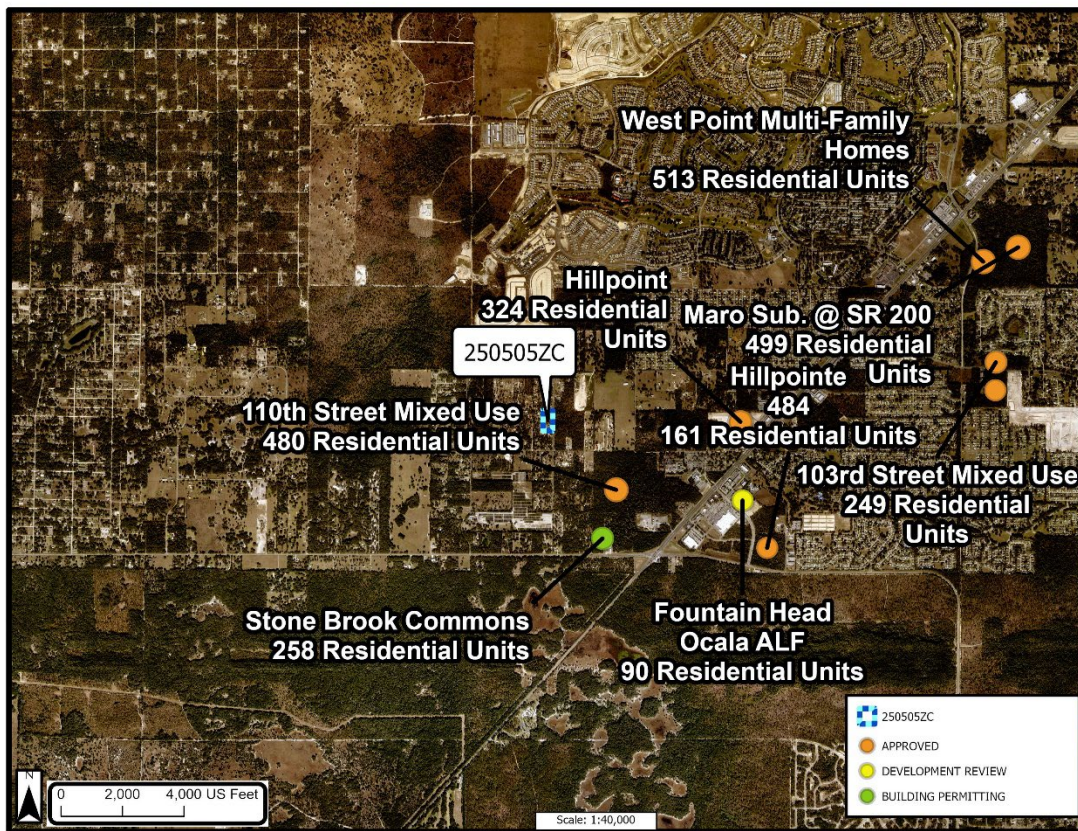


Figure 7 illustrates the residential developments near the subject property, with the closest approved development located approximately 0.4 miles away. This development proposes a maximum of 480 residential units. These developments are situated within the Urban Growth Boundary (UGB), as shown in Figure 1. The subject property, however, lies just outside the UGB, where residential density is intentionally kept lower to maintain the area's rural character. The proposed rezoning to Rural Residential (RR-1) is consistent with the surrounding low-density development and will not introduce high-density units, as seen in Figure 7. This ensures that the subject property remains in harmony with the community's rural appeal and will not disrupt the existing development patterns or public interest.

Based on the findings above, the proposed rezoning is **compatible** with existing and future surrounding land uses. The rezoning would help maintain rural land density and intensity outside the UGB and within the Secondary Springs Protection Zone, aligning with the area's future land use goals and long-term planning intent. The site is surrounded by rural lands with residential and agricultural uses. **The current Mixed Residential (R-4) zoning is inconsistent** with the designated Rural Land Use, as Mixed Residential zoning is intended for medium-density development. The **proposed Rural Residential**

(RR-1) zoning aligns with the FLU designation and better reflects the intensity and character of the surrounding area.

B. Effect on the Public Interest

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. SW 105th Ave fronts the property and is a paved county-maintained major local road. A change from a developed Mixed Residential **(R-4) property to Rural Residential (RR-1)** for the development proposal of total of 2 homes **will not adversely affect** the public interest.
 - b. Public transit. Not available in this area. Therefore the development of 2 homes on this parcel **will not adversely affect** the public interest.
 - c. Other mobility features. No sidewalks currently exist in the vicinity. Upon development, sidewalks will likely not be required. Therefore, the application **would not adversely affect** the public interest.

Based on the above, roadway **impacts would not adversely affect the public interest.**

Based on the above, this request's transportation impacts would not adversely impact the public interest.

Zoning	Units	Trip Rate (per unit)	Estimated Daily Trips
Existing: R-4 (Nonconforming developed Mobile Home Residential)	1 mobile home	5.50 trips/day (ITE code 240)	± 6 trips/day
Proposed: Rural Residential (RR-1)	1 dwelling unit + 1 guest home	9.44 trips/day (ITE code 210) x 2	± 19 trips/day

Source: ITE Trip Generation Manual, 11th Edition, LU Code 240-Mobile Home Park & 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 150 gallons per person per day for residential demand and approximately 2,750 gallons per acre per day for nonresidential demand. Based on the residential calculation, the proposed rezoning would result in a potential demand of 750 gallons per day (calculated for 2 homes).

The property is located outside the Urban Growth Boundary (UGB) and Marion County Utilities' Service Area, making it beyond the current connection distance. As a result, Marion County Utilities is not currently able to provide service to this parcel. Given these factors, the rezoning's impact on potable water availability would be minimal at this time. **This 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 proposed rezoning would result in a potential demand of 550 gallons per day (calculated for 2 homes).

The property is outside the UGB and not within Marion County Utilities' current extension 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. Based on the residential calculation, the proposed rezoning would result in a potential demand of 31 pounds of solid waste generation per day (calculated for 2 homes). 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 permitted density of one home on the property, based on the proposed zoning, the rezoning recreation impacts **would not adversely affect** the public interest.
6. Storm water/drainage. Storm water 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 flood plain areas. Development of the site will be required to comply with a 100-year frequency 24-hour duration design storm as the site development proceeds through Marion County's site development review processes. Based on the above, the rezoning storm water/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 Ray Lloyd, Jr Fire Station #31, located at 11240 SW Hwy 484, Dunnellon; roughly ±1.6 miles Southwest 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 Sheriff substation is located approximately ± 1.8 miles west of the subject property at 9048 SW Hwy 200, Ocala. 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 not adversely affect** the public interest.
9. Public schools. The proposed rezoning is within the district for the following schools with 2023-2024 enrollment: Marion Oaks Elem Elementary (97.68%), Horizon Academy at Marion Oaks (95.33%), and West Port High (116.83%). While there are localized areas of crowding within schools, the county has overall capacity available. 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.**

C. *Consistency with the Comprehensive Plan*

1. **FLUE Policy 1.1.5: Higher Density/Intensity Uses** - The County shall require higher densities and intensities of development to be located within the Urban Growth Boundaries and Planned Service Areas, where public or private facilities and services are required to be available.

Analysis: The subject site is located outside the Urban Growth Boundary (UGB), where public and private facilities and services are not readily available. The property lies within a platted rural residential area but currently has a non-conforming Residential Mixed Residential (R-4) zoning designation, which is inconsistent with the Rural Land future land use category. The proposed rezoning to Rural Residential (RR-1) would better align the property with its designated future land use.

This change would support the County's policy to focus higher density and intensity development within the UGB, while maintaining lower density, rural development patterns outside the UGB. As such, the proposed rezoning is consistent with FLUE Policy 1.1.5.

2. **FLUE Policy 2.1.6: Protection of Rural Areas** – Rural and agricultural areas shall be protected from premature urbanization and a vibrant rural economy shall be encouraged outside the UGB and Planned Service Areas. Urban and suburban uses incompatible with agricultural uses shall be directed toward areas appropriate for urban development such as within the UGB and PSAs.

Analysis: This application seeks a zoning change from Mixed Residential (R-4) to Rural Residential (RR-1) for the subject property. The current land use designation is Rural Land (RL), which permits 0 to 1 residential unit per 10 acres. The requested zoning is consistent with the RL future land use designation and reflects the intended low-density rural character for this area, which is important for protecting rural lands from premature urbanization.

The property is located just outside the Urban Growth Boundary (UGB), which is intended to focus urban and suburban development within more appropriate areas. Given that the surrounding area maintains its rural appeal and is designated as Rural Land, the proposed rezoning to Rural Residential (RR-1) is in alignment with the county's efforts to preserve rural areas while allowing for low-density residential development.

The current zoning of Mixed Residential (R-4) is inconsistent with the Rural Land future land use designation and does not support higher-density development appropriate for this rural area. The requested rezoning to Rural Residential (RR-1) is more compatible with the surrounding environment and supports the County's long-term planning goals by preventing urban sprawl and preserving the rural economy.

This rezoning request is consistent with FLUE Policy 2.1.6, as it encourages appropriate rural development and helps prevent the encroachment of incompatible urban uses on rural lands.

3. **FLUE Policy 2.1.16: Rural Land (RL)** - This land use 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.

Analysis: The proposed rezoning will take a property with a current zoning which is inconsistent with its future land use, and give the property a zoning classification which is consistent with the site's Rural Land future land use designation, as the proposed zoning is rural in nature. Therefore, **the proposed rezoning is consistent** with FLUE Policy 2.1.16.

4. **FLUE Policy 3.1.4: 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 is located within an existing area of Residential and agricultural uses. Rezoning of this parcel **from Mixed Residential (R-4) to Rural Residential (RR-1)** would make this parcel conform with the protection of the existing rural character of the area and acknowledge that a certain portion of the County's population desire to live in the Rural Area. Changing the zoning would not affect the base density since the subject property will be within allow permitted in Rural Residential (RR-1) on a ± 4.60 acres. The proposed rezoning would be **consistent** with FLUE Policy 3.1.4

5. **FLUE 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: Rezoning the parcel to Rural Residential (RR-1) is recommended for approval to address the conflict between its current Residential Mixed Use zoning and its designated rural land use. According to policy, the governing document is the Comprehensive Plan, which dictates land use. The proposed rezoning is the most appropriate solution to resolve this inconsistency, and per statute, the County is required to align the zoning code with the adopted Comprehensive Plan (see §163.3194(2) (b), F.S.). Therefore, this rezoning request is consistent with FLUE Policy 4.1.2.

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 advisory board's purpose 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 April 28, 2025, Planning and Zoning Commission and, therefore, the application is **consistent** with this 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 record of same is on file with Growth Services. Therefore, **the application is 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 **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 **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 rezoning because the application:

- A. **Will not adversely affect the public interest**, because the rezoning seeks to decrease the intensity of potential development;
- B. Is consistent with the Marion County Comprehensive Plan, specifically with:
1. FLUE Policies (1.1.5, 2.1.6, 2.1.16, 3.1.4, 4.1.2, 5.1.3, 5.1.4)
- C. Is compatible with the surrounding uses because the proposed rezoning would downzone a parcel located in an area designated for **lower density** and intensity development close to similar rural residential uses within a subdivision of record which maintains long-term plans for rural residential use.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

TBD

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

TBD

IX. LIST OF ATTACHMENTS

- A. Rezoning Application, received January 29, 2025
- B. Site and Area Photographs
- C. DRC Comments