



**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: 10/27/2025	BCC Date: 11/17/2025
Case Number	251103SU
CDP-AR	33230
Type of Case	Special Use Permit for material and equipment storage related to construction and property management business
Owner	Ocala Freedom Investments, L.L.C., R/A Mairielys Ordonez
Applicant	Luis Moises
Street Address/Site Location	10320 SW 42 nd Avenue, Ocala, FL 34476
Parcel Number(s)	3578-017-030
Property Size	±0.41 AC
Future Land Use	Medium Residential (MR)
Existing Zoning Classification	Single-Family Dwelling (R-1)
Overlays Zones/Special Areas	Urban Growth Boundary (UGB) & Secondary Springs Protection Zone (SSPZ)
Staff Recommendation	DENIAL
P&Z Recommendation	DENIAL
Project Planner	Jared Rivera-Cayetano
Related Cases	Code Case No. 986026, 934739, 934740, 934741 & 934742

I. ITEM SUMMARY

Luis Moises, on behalf of Ocala Freedom Investments, L.L.C., filed a Special Use Permit (SUP) application for a ±0.41-acre property with a zoning classification of Single-Family Dwelling (R-1). The subject property is located at 10320 SW 42nd Avenue, Ocala, FL. The Parcel Identification Number for the subject property is 3578-017-030. Located within the Ocala Waterway Estates subdivision, the legal descriptions are provided within the rezoning application (see Attachment A). The site is located inside the Urban Growth Boundary (UGB) and within the Secondary Springs Protection Zone (SSPZ). The intention of this Special Use Permit request is to allow a storage facility related to the property owner's construction and property management business. The Special Use Permit request is in response to on-going Code Case No. 986026, and similar previous violations on PID 4202-010-001, 4202-010-004, 4202-010-062, and 4202-010-059 (see Code Case No. 934739, 934740, 934741, and 934742). The applicant had previously constructed a 2,000-square-foot metal storage structure (Permit No. 2024064201; Attachment F) for four (4) heavy machinery vehicles, electronic appliances, home furniture, and other light- to medium-duty construction and maintenance tools. The applicant proposes an additional paved driveway along SW 103rd Street. The applicant indicates no customer activity will occur within the subject property; employees live in the existing single-family residence. Staff finds that the approval of this application would allow a commercial use that must accommodate traffic, stormwater, and landscaping on a 0.41-acre lot and within a subdivision otherwise intended for single-family residential development.

II. STAFF SUMMARY RECOMMENDATION

Staff recommends **DENIAL**. Although the applicant has suggested plans to move all activity to a more permanent site within a year; Staff finds the proposed use is not consistent with the Medium Residential (MR) Future Land Use (FLU) designation and would introduce a commercial use that must accommodate traffic, stormwater, and landscaping on a 0.41-acre lot within a subdivision otherwise intended for single-family residential development. Staff finds the request is not consistent with the Marion County Comprehensive Plan, not compatible with the surrounding area, and will adversely affect the public interest. However, in the event that the Special Use Permit request is approved, the conditions in Section VII of this report are recommended to partially address compliance with the requirements in the Marion County Land Development Code (LDC) Sections 2.8.2.D and 2.8.3.B.

**Figure 1
General Location Map**



III. NOTICE OF PUBLIC HEARING

The Growth Services Director has interpreted the requirements of Land Development Code (LDC) Sections 2.7.3.C, 2.7.3.B and 2.7.3.E to apply to SUP applications. Consistent with LDC Section 2.7.3.B., notice of public hearing was mailed to all property owners (23 owners) within 300 feet of the subject property on October 10, 2025. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on October 17, 2025, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on October 13, 2025. Evidence of the above-described public notices are on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received.

IV. BACKGROUND/CHARACTER OF AREA

A. Existing Site Conditions.

Figure 1, above, is a general location aerial displaying existing and surrounding site conditions. Figure 2, below, displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

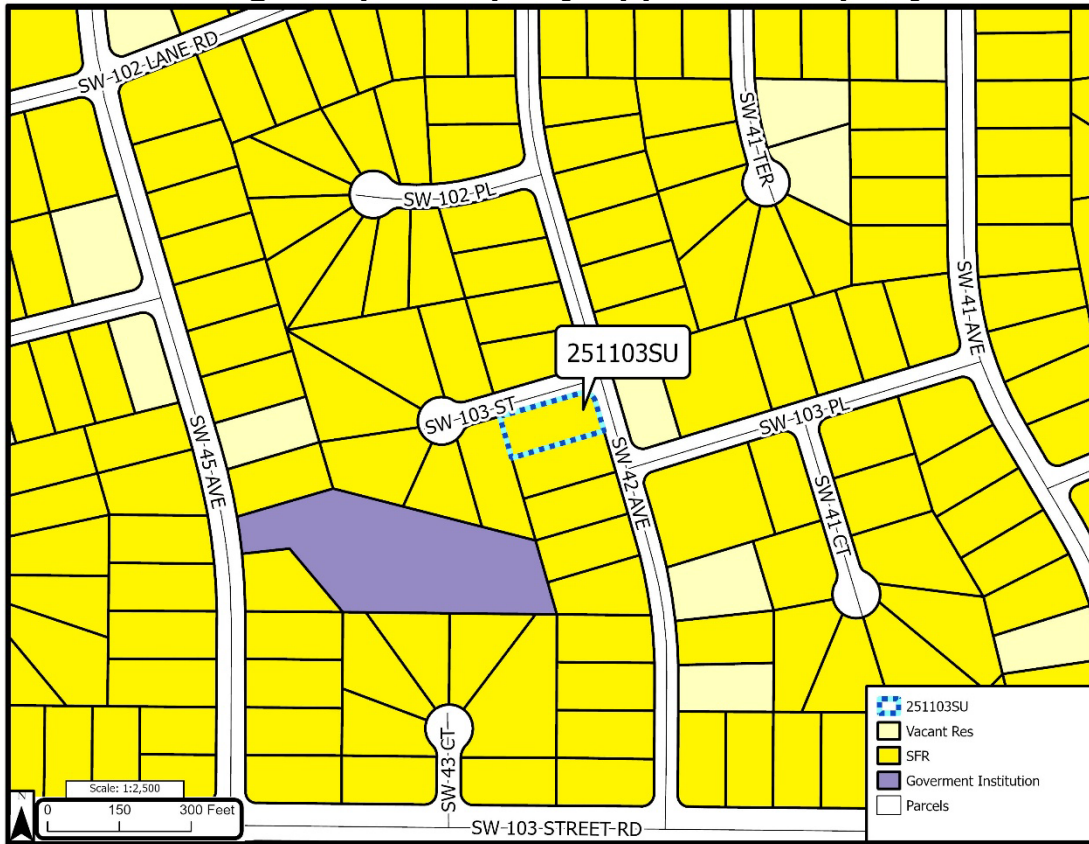
In general, the surrounding properties are characterized predominantly by residential development, although select properties (including PID 3578-024-027 to the east of the subject property) are currently characterized as *Vacant Residential*. Properties characterized as Government Institution are currently used as drainage retention areas. The subject property and all surrounding properties are part of the pre-existing Ocala Waterway Estates subdivision.

Staff conducted a site visit with Code Enforcement staff on October 6, 2025. An additional site visit was conducted on October 17, 2025. Staff found that the subject property is a corner lot along SW 42nd Avenue and SW 103rd Street. The latter is a cul-de-sac that provides access to seven (7) residential lots. The subject property contains one (1) single-family residential structure fronting SW 42nd Avenue.

A metal storage structure, approximately forty (40) feet by fifty (50) feet, is located to the rear of the residential structure, fronting SW 103rd Street. This building is currently undergoing the permitting process. This building stores material and equipment related to the property owner's construction and property management business. Specifically, Staff observed one (1) flatbed trailer, four (4) heavy machinery vehicles, electronic appliances, home furniture, and other light- to medium-duty construction and maintenance tools. Although a paved driveway is proposed by the applicant, Staff notes the proposed storage facility is currently accessed through an unpaved, dirt driveway. Staff notes signs of wear along the shoulders of SW 103rd Street, including several areas of exposed soil. The side and rear of the subject property is currently enclosed by a vinyl fence. Several vehicles were parked in front of the single-family residence. Site photos are attached to this report (see Attachment C).

Figure 3 provides zoning classification information while Figure 4 provides Future Lane Use (FLU) designation information for the area.

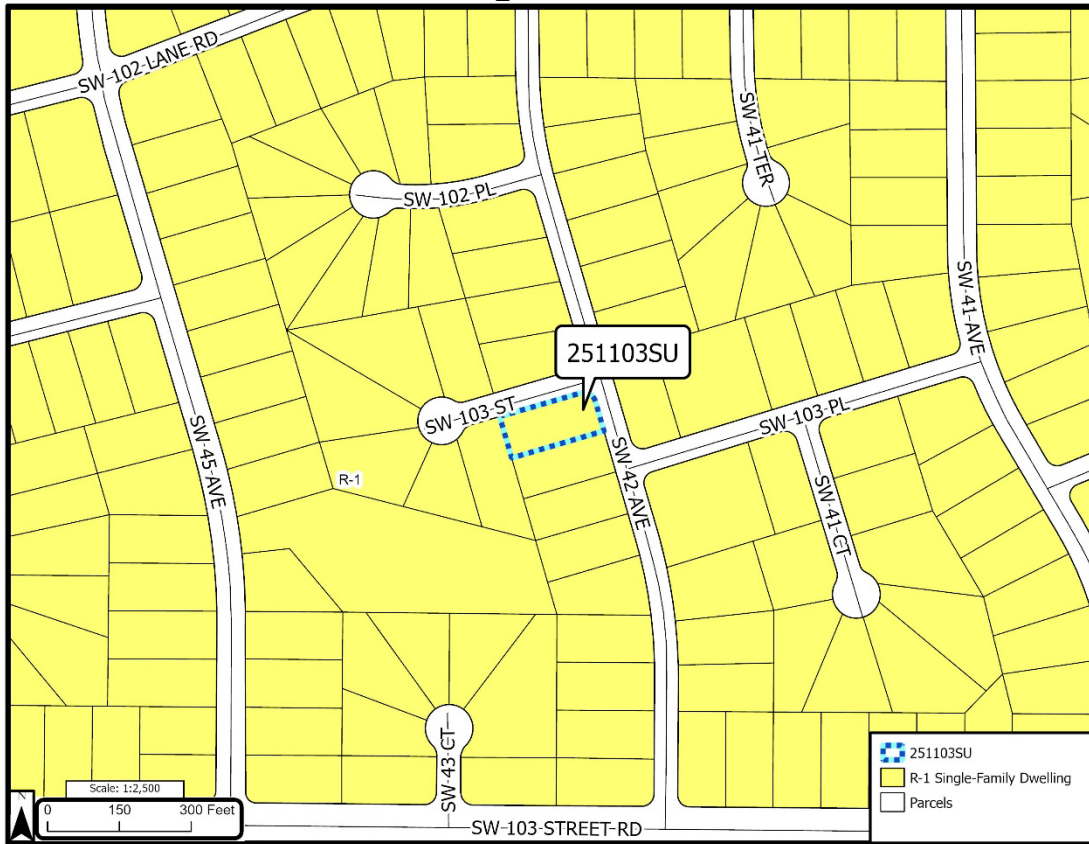
Figure 2
Existing Use per Property Appraiser Property Code



B. Zoning Classification.

Figure 2, below, displays the existing zoning classifications for the subject property in relation to the existing zoning classifications of the surrounding properties. All surrounding properties have a Single-Family Dwelling (R-1) zoning classification. No properties within this subdivision are commercially zoned. No Special Use Permits been approved for non-residential uses within this subdivision.

Figure 3
Zoning Classification



C. FLUM Designation.

Figure 4, below, displays the existing Future Land Use (FLU) designation for the subject property in relation to the existing FLU designation of the surrounding properties. Virtually all properties are designated as Medium Residential (MR) which is intended for residential development with a density between one (1) and four (4) dwelling units per one (1) acre. There is a nearby parcel designated as Public (P), currently serving as a water retention area (WRA).

The subject property is within the Secondary Springs Protection Overlay Zone (SSPOZ) and inside the Urban Growth Boundary (UGB), as established by the Marion County Comprehensive Plan.

Figure 4
FLUMS Designation



Table A, below, assembles the information in Figures 2, 3, and 4 in tabular form. Figure 5 provides a preliminary plot plan for the requested use, including the setbacks for the existing single-family residence and the proposed storage facility on a 0.41-acre property. The proposed structure is intended to store material and equipment related to the property owner's construction and property management business. Specifically, the storage facility will contain four (4) heavy machinery vehicles, electronic appliances, home furniture, and other light- to medium-duty construction and maintenance tools. Since the initial submission of this application, an additional flatbed trailer is also proposed to be on-site.

The applicant proposes a six-foot vinyl fence to screen the proposed building, as well as several gates for access. The applicant proposes a concrete driveway along SW 103rd Street. No additional landscaping was specified by the applicant. A separate fenced area serving as a private backyard for the resident on-site is proposed by the applicant.

TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	MCPA Existing Use
Subject Property	Medium Residential (MR)	Single-Family Dwelling (R-1)	Single Family Residential*
North	Right-of-Way & Medium Residential (MR)	Right-of-Way & Single-Family Dwelling (R-1)	Right-of-Way & Single Family Residential
South	Medium Residential (MR)	Single-Family Dwelling (R-1)	Single Family Residential
East	Right-of-Way & Medium Residential (MR)	Right-of-Way & Single-Family Dwelling (R-1)	Right-of-Way & Vacant Residential
West	Medium Residential	Single-Family Dwelling (R-1)	Single Family Residential

*MCPA classification ignores proposed commercial use on subject property that is currently not permitted by the existing residential zoning.

- A. *Provision for **ingress and egress** to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*

Analysis: The subject property currently has one (1) permitted driveway, located along SW 42nd Avenue, a local subdivision road maintained by Marion County. No traffic impact statement was provided; however, trip generation of the subject property is expected to exceed that of a property with a single-family dwelling unit alone, as Staff notes the storage facility is regularly accessed by commercial vehicles, both under and over 16,000 pounds. Indeed, Staff notes signs of wear along the shoulders of SW 103rd Street, another local subdivision road maintained by Marion County, including several areas of exposed soil.

Furthermore, Staff notes there is no paved driveway to the storage facility from SW 103rd Street at this time, with access currently provided through an unpaved, dirt driveway. Although the applicant proposes an additional paved driveway along SW 103rd Street to access the storage facility, the Office of the County Engineer (OCE) notes that standard residential driveways would not necessarily be designed to accommodate the frequent use of large commercial vehicles, including all trailers for heavy machinery.

Staff therefore finds the application is **not consistent** with provisions for ingress and egress. However, in the event that the Special Use Permit request is approved, Staff recommends the following condition(s) to partially mitigate ingress and egress concerns:

- *A site plan shall be submitted for approval through the development review process.*
- *A driveway along SW 103rd Street shall be constructed to commercial driveway standards.*

- B. *Provision for **off-street parking and loading areas**, where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the SUP on adjoining properties and properties generally in the surrounding area.*

Analysis: The applicant currently proposes no additional off-street parking for the storage facility, other than off-street parking associated with the existing residential driveway for owner-operated vehicles. However, Staff notes the storage facility is regularly accessed by commercial vehicles, which have been observed to park along SW 103rd Street. Indeed, Staff notes signs of wear along the shoulders of SW 103rd Street, located within the County-maintained Right-of-Way (ROW).

Staff therefore finds the application is **not consistent** with provisions for off-street parking. However, in the event that the Special Use Permit request is approved, Staff recommends the following condition to partially mitigate ingress and egress concerns:

- *Commercial vehicles shall be parked within the subject property at all times.*

C. *Provisions for **refuse and service area**, with particular reference to the items in (1) and (2) above.*

Analysis: The applicant indicates all waste shall be handled from a single container shared with the primary residence. Waste removal is provided by resident. Staff therefore concludes that the application is **consistent** with LDC provisions for refuse and service areas.

D. *Provision for **utilities**, with reference to locations, availability, and compatibility.*

Analysis: The subject property is within the Marion County Utilities service area. The primary residence is currently served by central potable water and septic system. The applicant indicates the proposed storage facility will not require potable water and/or wastewater service. Nevertheless, Marion County Utilities will recalculate capacity charges during the development review and permitting processes if the proposed building results in increased flows. Any new septic systems would be required to meet County standards at the time of development review.

The subject property is currently served by SECO Energy for electricity. Any electrical work will need to meet applicable County standards at the time of permitting. Staff therefore concludes that the application is **consistent** with LDC provisions for utilities.

E. *Provision for **screening and buffering** of dissimilar uses and of adjacent properties where necessary.*

Analysis: The applicant currently proposes a six-foot vinyl fence to screen the proposed storage facility. Photos of the proposed storage facility in relation to the vinyl fence are located in Attachment B.

The Marion County Land Development Code (LDC) includes several provisions to ensure compatibility between different land uses during the development review process. As a commercial use, Section 6.8.6 of the Marion County LDC would require a Type B buffer—composed of a 20-foot landscape strip with a buffer wall—on all property boundaries abutting a residential parcel. Along the property boundaries abutting residential parcels, the proposed storage facility meets side and rear setbacks of eight (8) and twenty-five (25) feet, respectively. Furthermore, Staff notes opaque fences in lieu of buffer walls have typically required waivers to LDC provisions during the development review process.

Staff therefore finds the application is **not consistent** with provisions for screening and buffering. However, in the event that the Special Use Permit request is approved, Staff recommends the following condition(s) to partially mitigate screening and buffering concerns:

- *During development review, a 20-foot Type B buffer and a modified 8-foot Type B buffer shall be provided along PID 3578-017-029 and PID 3578-017-031, respectively. A 6-foot opaque fence may be used in lieu of a buffer wall.*

F. *Provision for **signs**, if any, and **exterior lighting** with consideration given to glare, traffic safety, economic effects, and compatibility and harmony with properties in the surrounding area.*

Analysis: No signage currently exists, nor is one proposed, within the subject property. Exterior lighting is not proposed, but if it is found that lighting needs to be added, a photometric plan will be provided in accordance with the Marion County LDC. Staff therefore concludes that the application is **consistent** with LDC provisions for signs and exterior lighting.

G. *Provision for **required yards and other green space**.*

Analysis: The subject property, as proposed by the applicant, will contain approximately 5,770 square feet of impervious surfaces, excluding sections of the driveway apron within the County ROW. As such, the site, as proposed by the applicant, would not typically be subject to a formal development review process prior to the approval of any permits for the proposed storage facility. Furthermore, Staff notes all trees previously located within the subject property were previously cleared during the construction of the single-family residence, as allowed by the Marion County LDC. Staff notes open space and tree preservation standards as required by the Marion County Land Development Code would have been enforced during the formal development review process.

Staff therefore concludes that the application **may or may not consistent** with LDC provisions for green space.

H. *Provision for general **compatibility** with adjacent properties and other property in the surrounding area.*

Analysis: "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 is a general location aerial displaying existing and surrounding site conditions. Figure 2 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

The surrounding properties are characterized predominantly by residential development. The subject property and all surrounding properties are part of the pre-existing Ocala Waterway Estates subdivision. No properties within this subdivision are commercially zoned. No Special Use Permits have been approved

for non-residential uses within this subdivision. The applicant proposes storage of equipment and material for a real estate and construction business in a residential subdivision.

Staff therefore finds the application is **not consistent** with provisions for compatibility. The applicant has suggested plans to move all activity to a more permanent site within a year; however, Staff does not believe that any conditions can make the proposed commercial use compatible with the surrounding residential area. However, in the event that the Special Use Permit request is approved, Staff recommends the following condition(s) to partially mitigate compatibility concerns:

- *The site shall be developed and operated consistent with the concept plan.*
- *The Special Use Permit shall run with the property owner, Ocala Freedom Investments, L.L.C. Should the subject property change in ownership, the existing metal storage structure and proposed driveway will be allowed for personal purposes only, consistent with County standards.*
- *The Special Use Permit shall expire on November 17, 2028.*

*I. Provision for meeting any **special requirements** required by the site analysis for the particular use involved.*

Analysis: Although there are no County standards for heavy machinery on residentially zoned properties, Staff notes that LDC Section 4.2.9 on the Single-Family Dwelling (R-1) Classification does explicitly list special uses involving commercial vehicles, further providing that such uses are required to meet LDC Section 4.3.21. LDC Section 4.3.21(1) specifically provides standards for commercial vehicles on residential properties less than five (5) acres in size. Unless otherwise approved by the Board of County Commissioners, Special Use Permits to allow the parking of commercial vehicles over 16,000 pounds must provide parking at least 100 feet from the nearest residential structure, while only one (1) commercial vehicle over 16,000 pounds may be allowed per lot. The applicant includes a request for one (1) commercial vehicle and four (4) heavy machinery vehicles on a 0.41-acre property. Lots in the surrounding Ocala Waterway Estate subdivision are generally less than 0.5 acre in size.

- *This Special Use Permit shall be limited to one (1) flatbed trailer (VIN 16V3F3322P6270465) as provided in the submitted Application.*
- *This Special Use Permit shall be limited to four (4) heavy machinery vehicles as provided in the submitted Application:*
 - *JOHN DEERE 333P, VIN 1T0333PALSFE0623*
 - *JOHN DEERE 325, VIN 1T0325GKNJ432788*
 - *VERMEER CHOP SAW, VIN 1URD11AC0R1055732*
 - *HYDRAULIC EXCAVATOR 17P-TIER, VIN 1FF017PAJRK001217*

Staff notes commercial zoning—which may allow the proposed use—generally require greater setback distances than residential zoning. The applicant requests a commercial use on a 0.41-acre property. Furthermore, Staff notes that the most restrictive commercial zoning classifications that allow certain commercial storage uses (including B-1 and B-2) require all materials to be fully enclosed. Therefore, the following condition(s) are recommended to further mitigate compatibility concerns:

- *The proposed storage facility shall be permitted in lieu of any additional accessory structure. Any expansion of building structures or impervious surfaces beyond that permitted by the concept plan shall require a new/revised Special Use Permit.*
- *No outdoor storage of material and equipment shall be permitted within the subject property.*

J. Consistency with the Comprehensive Plan.

1. **FLUE Policy 2.1.5** on Permitted and Special Use provides, “The County shall identify permitted and special uses for each land use designation and zoning classification, as further defined in the Comprehensive Plan, Zoning, and LDC.”

Analysis: Staff notes that the Special Use Permit (SUP) process can be used to request uses not specifically listed by code, based on their similarities with listed uses. Although there are no County standards for heavy machinery on residentially zoned properties, Staff notes that LDC Section 4.2.9 on the Single-Family Dwelling (R-1) Classification does explicitly list special uses involving commercial vehicles, further providing that such uses are required to meet LDC Section 4.3.21, including a maximum of one (1) commercial vehicle over 16,000 pounds per lot. Otherwise, LDC Section 4.2.9 on the Single-Family Dwelling (R-1) Classification includes a limited range of commercial uses, either by-right or by Special Use Permit.

This application is thus **not consistent** with FLUE Policy 2.1.5, provided that all previously-listed conditions are met.

2. **Policy 2.1.8** on Medium Residential (MR) provides, “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 site is designated as Medium Residential (MR) and proposes a metal structure intended to store material and equipment related to the applicant's construction and property management business. Given the intended commercial purpose of the storage facility, this use does not align with the intent of Medium Residential use and is thus **not consistent** with Policy 2.1.8.

3. **FLUE 3.1.2** on Planning Principles within UGB provides, "The County shall implement long-term planning principles to guide the creation of land use policy and development regulations within the County, which shall be implemented through the policies contained in the County Comprehensive Plan and as further defined in the LDC. These principles shall include:

- (1) Preserve open space, natural beauty and critical environmental areas.
- (2) Allow for a mix of land uses to create compact residential, commercial, and employment hubs.
- (3) Strengthen and direct development towards existing communities and development.
- (4) Encourage compact and mixed use building design.
- (5) Foster distinctive, attractive communities with a strong sense of place.
- (6) Create walkable and linked neighborhoods.
- (7) Create a range of housing opportunities and choices.
- (8) Provide a variety of transportation choices.
- (9) Encourage community and stakeholder collaboration.
- (10) Make development decisions predictable, fair and cost effective.
- (11) Encourage interconnected development, multi-modal transportation opportunities.
- (12) Links to the surrounding neighborhoods, and alternative transportation routes.
- (13) Establish priority areas for public facility and service infrastructure."

Analysis: The subject property is within an existing Urban Area (as designated by the Marion County Comprehensive Plan) and is served by central potable water.

That said, the applicant proposes a storage facility for a private construction and property management business. The applicant indicates no customer activity will occur within the subject property. As such, the applicant proposes a commercial use that will not serve the surrounding residential area. This special use would therefore not meet Criteria 2 and 5 of FLUE Policy 3.1.2, and is thus **not consistent** with FLUE Policy 3.1.2.

Based on the above findings, staff concludes the SUP is **not consistent** with LDC Sections 2.8.2.D and 2.8.3.B. However, in the event that the Special Use Permit request is approved, Staff recommends the conditions in Section VII of this report to partially address compliance.

VI. 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 so as to support the approval of the Ordinance with amended conditions, and make a recommendation to the Commission to adopt a proposed Ordinance to **APPROVE WITH CONDITIONS** the Special Use Permit.
- 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, 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.

VII. STAFF RECOMMENDATION

Staff recommends the Planning & Zoning (P&Z) Commission enter into the record the Staff Report, and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to **DENY** the Special Use Permit based on compatibility in the area, compliance with the Comprehensive Plan, and adverse impacts to the surrounding area.

That said, to partially address compliance with LDC Sections 2.8.2.D and 2.8.3.B, the following conditions would be recommended in the event that the Board chooses to approve the requested special use:

1. *The site shall be developed and operated consistent with the concept plan.*
2. *The Special Use Permit shall run with the property owner, Ocala Freedom Investments, L.L.C. Should the subject property change in ownership, the existing metal storage structure and proposed driveway will be allowed for personal purposes only, consistent with County standards.*
3. *A site plan shall be submitted for approval through the development review process.*
4. *Commercial vehicles shall be parked within the subject property at all times.*
5. *A driveway along SW 103rd Street shall be constructed to commercial driveway standards.*
6. *During development review, a 20-foot Type B buffer and a modified 8-foot Type B buffer shall be provided along PID 3578-017-029 and PID 3578-017-031, respectively. A 6-foot opaque fence may be used in lieu of a buffer wall.*
7. *The proposed storage facility shall be permitted in lieu of any additional accessory structure. Any expansion of building structures or impervious surfaces beyond that permitted by the concept plan shall require a new/revised Special Use Permit.*

8. *No outdoor storage of material and equipment shall be permitted within the subject property.*
9. *This Special Use Permit shall be limited to one (1) flatbed trailer (VIN 16V3F3322P6270465) as provided in the submitted Application.*
10. *This Special Use Permit shall be limited to four (4) heavy machinery vehicles as provided in the submitted Application:*
 - a. *JOHN DEERE 333P, VIN 1T0333PALSFE0623*
 - b. *JOHN DEERE 325, VIN IT0325GKNJ432788*
 - c. *VERMEER CHOP SAW, VIN 1URD11AC0R1055732*
 - d. *HYDRAULIC EXCAVATOR 17P-TIER, VIN 1FF017PAJRK001217*
11. *The Special Use Permit shall expire on November 17, 2028.*

VIII. PLANNING & ZONING COMMISSION RECOMMENDATION

DENIAL.

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined. Scheduled for November 17, 2025 at 1:30 PM.

X. LIST OF ATTACHMENTS

- A. Application
- B. DRC Comments Letter
- C. Site Photos
- D. Code Case No. 986026
- E. Code Case No. 934739, 934740, 934741 & 934742
- F. Permit No. 2024064201