



**Marion County
Board of County Commissioners**

Growth Services

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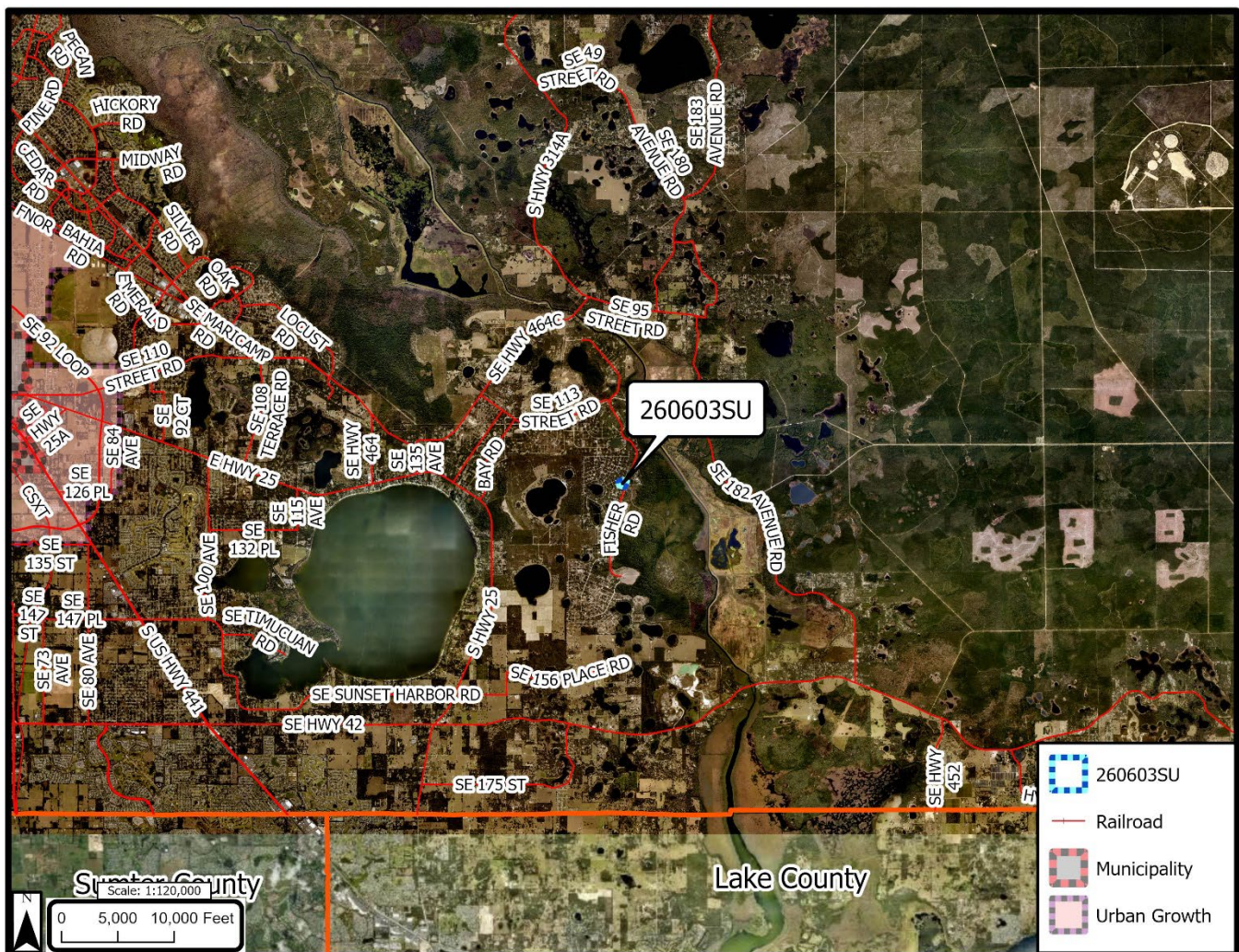
**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 6/29/2026	BCC Date: 7/22/2025
Case Number	260708ZC
CDP-AR	000804-2026
Type of Case	Rezoning from Community Business (B-2) to Residential Estate (R-E)
Owner	Hess, Barry & Jennifer
Applicant	NA
Street Address/Site Location	No Address Signed
Parcel Number(s)	9036-0000-03
Property Size	±7.6 Acres
Future Land Use	Commercial (COM)
Existing Zoning Classification	Community Business (B-2)
Overlays Zones/Special Areas	Secondary Springs Protection Zone
Staff Recommendation	Approval
P&Z Recommendation	Approval (6-0)
Project Planner	Kenneth Odom, Senior Planner/Transportation Planner
Related Cases	N/A

I. ITEM SUMMARY

Barry and Jennifer Hess have filed a rezoning application to rezone approximately ± 7.6 acres from Community Business (B-2) to Residential Estate (RE) (see Attachment A). The Parcel Identification Number for the subject parcel is 9036-0000-03; there is no assigned address as the subject parcel is unimproved at this time. The legal description is provided within the application (see Attachment A). The site is located within the Secondary Springs Protection Zone. The application proposes rezoning a portion of ± 7.6 -acres to Residential Estate (RE) for all uses permitted within the proposed zoning classification.

Figure 1 General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning application.

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 (32 owners) within 300 feet of the subject property on June 12th, 2026. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on June 8th, 2026, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on June 15th, 2026. 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. 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. *How is the request compatible with surrounding uses?*

Compatibility is defined 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 illustrates the subject property as 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 residential density range shall be up to eight (8) dwelling units per one (1) gross acre and a maximum Floor Area Ratio of 1.0 for commercial uses, 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 2
FLUMS Designation

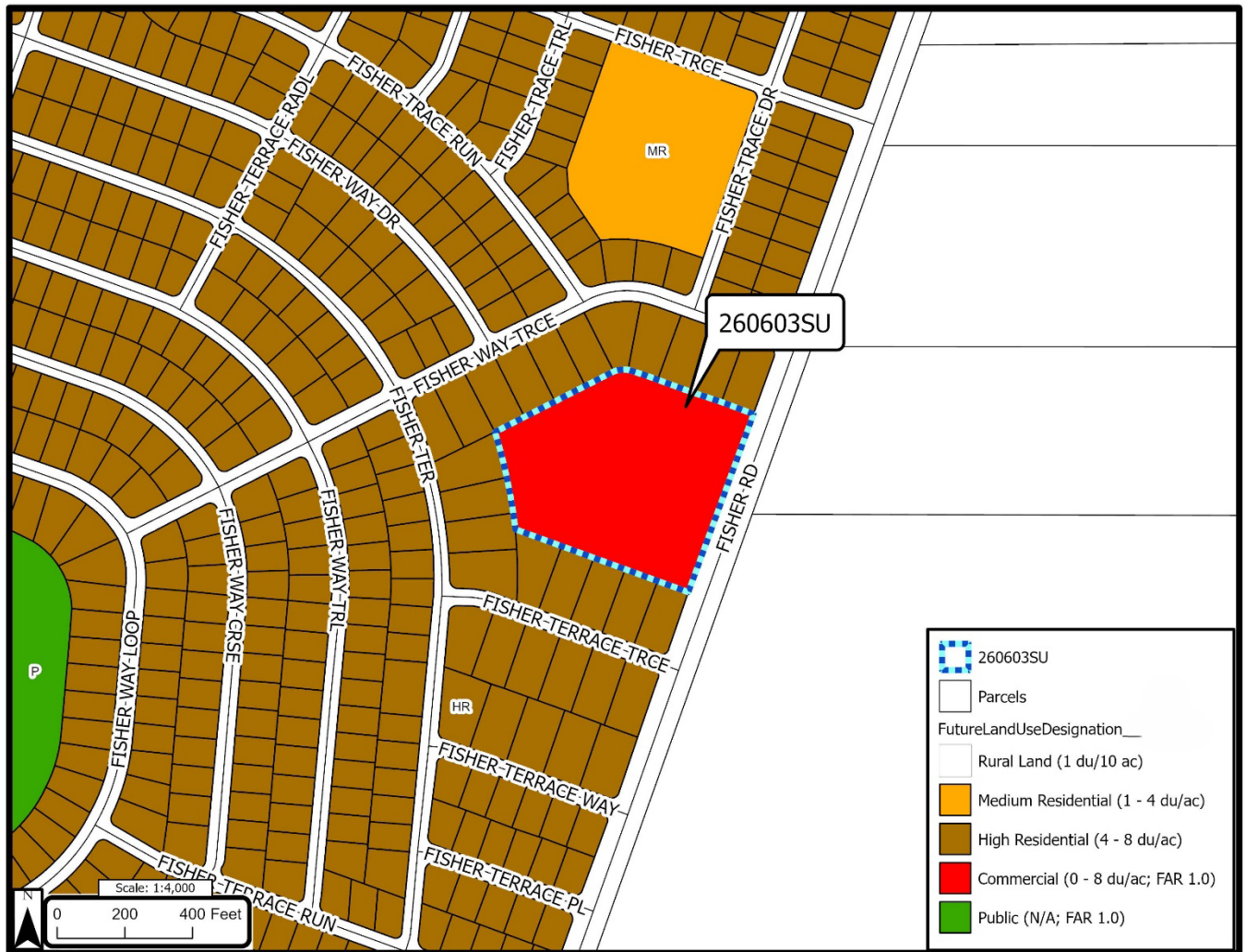


Figure 3 displays the subject property in relation to the existing zoning of the surrounding properties and Figure 4 shows the proposed zoning. The subject parcel is unimproved and currently has a designation of Community Business (B-2). Parcels immediately adjacent to the subject parcel are zoned Multiple-Family Dwelling (R-3). Most other parcels extending away from the subject parcel are zoned Single-Family Dwelling.

**Figure 3.
Zoning Classification**

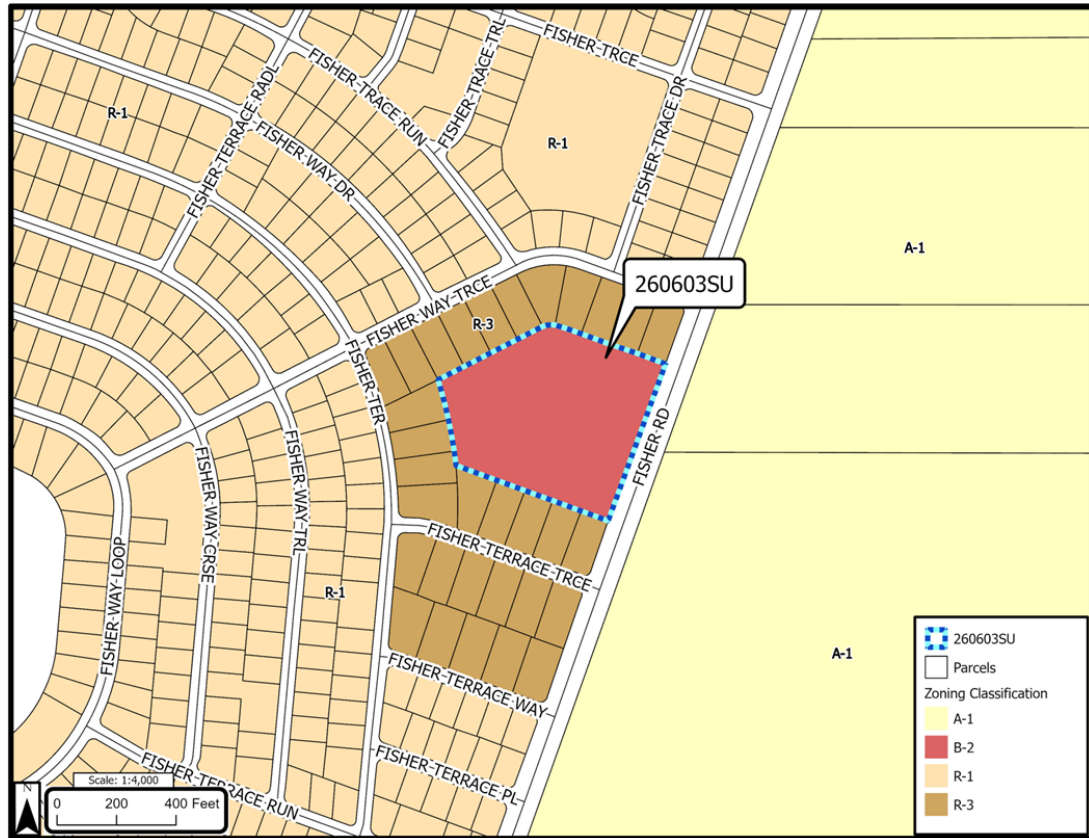


Figure 5 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

Table A displays the information of Figures 2, 3, and 5 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit and find the subject parcel is currently unimproved. The primary uses of surrounding properties are residential in the form of site built homes or unimproved residential parcels. Unimproved agricultural parcels and State owned properties lie to the east.

Figure 4.
Proposed Zoning Classification

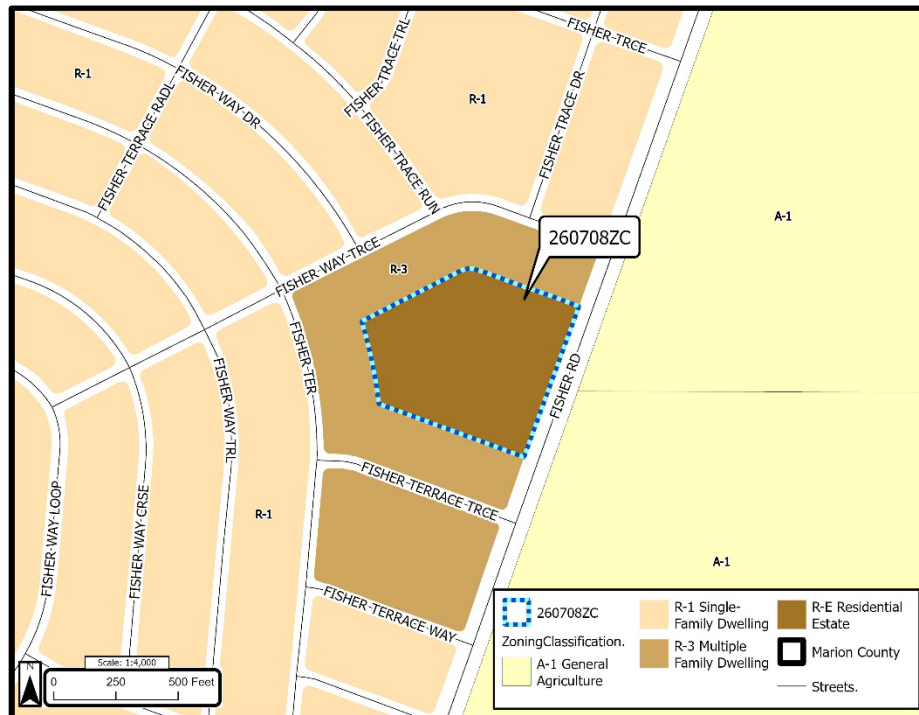


Figure 5.
Existing Use per Property Appraiser Property Code

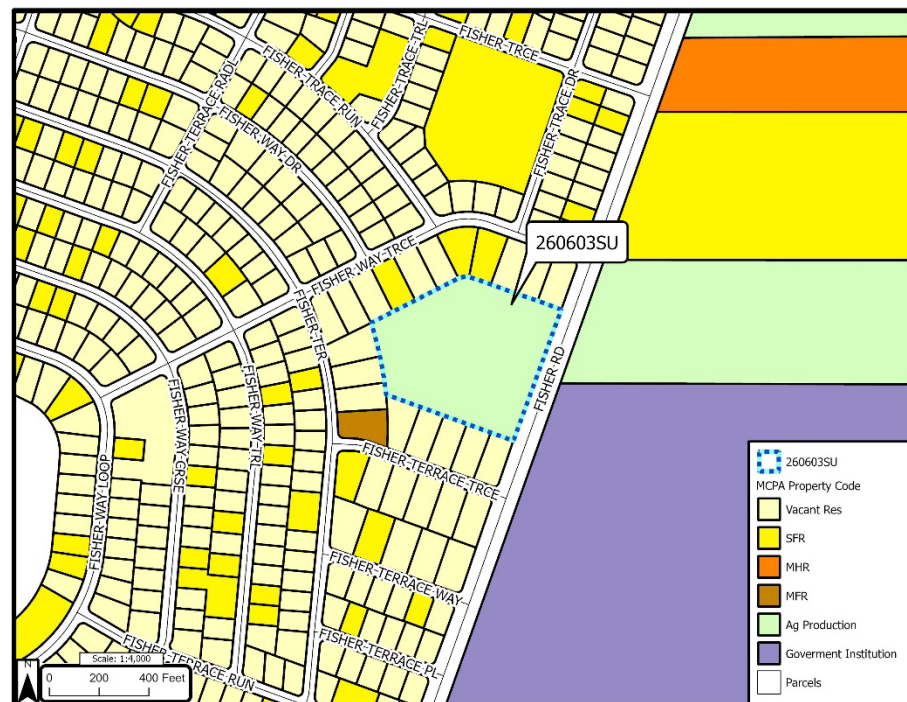


TABLE A. Adjacent Property Characteristics			
Direction	FLUM Designation	Zoning Classification	Existing Use per Property Appraiser Code
North	High Residential (HR)	Multiple Family Dwelling (R-3)	Vacant Residential (00) Improved Residential (01)
South	High Residential (HR)	Multiple Family Dwelling (R-3)	Vacant Residential (00)
East	Rural Land (RL)	General Agriculture (A-1)	Improved Residential (01)
West	High Residential (HR)	Multiple Family Dwelling (R-3)	Vacant Residential (00) Improved Residential (01)

Figure 5 provided by the Marion Property Appraiser's Office

Based on the above findings, the proposed rezoning application **is compatible** with the existing and future surrounding land uses. This area has been residential and commercial uses.

How does the request affect the public interest?

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. The subject parcel is located on Fisher Road, which is a Major Local Roadway, and is bounded by Subdivision Local Roads. No traffic counts are recorded in this area, as even AM and PM peak-hour times exhibit very little overall private or commercial road use.
 - b. Public transit. There are no fixed route services in the area.
 - c. Other mobility features. Sidewalks or multi-use paths are present in the area.

Based on the above findings, the rezoning of the subject property **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 nonresidential demand. Based on the commercial calculation, the proposed rezoning would result in a usage of approximately 360 gallons per day.

Development of the subject parcel will rely on water services being provided by a private well. 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 commercial calculation, the proposed rezoning would result in the potential production of 264 gallons per day.

Development of the subject parcel will rely on septic services. 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, which would generate approximately 14.88 pounds of solid waste per day. A commercial/industrial level of service standard is not currently in place for Marion County, as such operations are required to provide for individual commercial collection, wherein disposal within Marion County is alternatively addressed. Based on the above, the rezoning of **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. Residential requirements to accommodate one single-family dwelling are considered di minimis. 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 site does not include any FEMA-identified flood plain area or County flood-prone area. Additionally, any new development resulting in additional impervious features on 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 **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 Weirsdale District Fire Station #27, located at 16355 South CR 25, approximately 9.2 miles south of the subject property. The Comprehensive Plan does not establish a level of service standard for

fire rescue/emergency services. Based on the statements above, the rezoning **fire rescue/emergency impacts would not adversely affect the public interest.**

8. Law enforcement. The Marion County Sheriff's Department South Ocklawaha Substation is located approximately 5.2 miles southeast of the subject property. The substation is located at 13985 South CR 25. The Comprehensive Plan does not establish a level of service standard for law enforcement services. Based on the above, the application's **law enforcement impacts would not adversely affect the public interest.**
9. Public schools. Marion County Public Schools has an overall capacity within the district. Emerald Shores Elementary is located approximately 11.65 miles west. Belleview Middle School is located approximately 16.0 miles west, and Lake Weir High School is located approximately 9.8 miles west. 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?*

FLUE Policy 1.1.6 on Buffering of Uses requires new development or substantial redevelopment to provide buffering to address compatibility concerns and reduce potential adverse impacts to surrounding properties as defined in the LDC.

Analysis: The subject parcel is currently undeveloped but will be subject to all buffering requirements per the Marion County Land Development Code. All buffer requirements will be reviewed and approved through the site development process and subject to approval by the Development Review Committee. While this is a commercially zoned area, the intent is for residential use, and no buffering is required from single-family home to single-family home.

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).

Analysis: The proposed rezoning will align the proposed zoning designations with Residential Estate (R-E). While the proposed zoning is not entirely compatible with the Commercial (COM) land use, the intent is to maintain this location as a potential commercial node for future availability if needed, but still permit a residential use until that time may be needed.

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 June 29, 2026, Planning and Zoning Commission and, therefore, the application is consistent with this FLUE Policy 5.1.3.

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.

FLUE Policy 7.4.3 on P/SSPZ Permitted Uses provides that the County shall implement and maintain an LDC to identify permitted and special uses to ensure that the function of a protected natural feature will not be materially impaired, diminished, or harmed by development activities and that the quality of the surface waters or groundwater will not be adversely impacted by the development activities.

Analysis: The site is within the Secondary Springs Protection Zone, wherein specific design standards, focused on stormwater management, may be required. Approval of the requested R-E zoning for the subject property will control the range of uses for the site, while remaining eligible uses will require implementation of SSPZ design standards, particularly depending on soil and subsurface characteristics and/or FDEP requirements. Compliance with the LDC’s site and development standards for stormwater impacts for the site under the R-1 zoning would be consistent with FLUE Policy 7.4.3.

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 proposed rezoning is to accommodate one single-family dwelling. There will be no significant increase in trips generated because of the proposed development. 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.**

V. STAFF RECOMMENDATION

Staff makes a recommendation to **APPROVE** the proposed rezoning because the application:

- A. Will not adversely affect the public interest as the impacts on public utilities and infrastructure would be minimal.
- B. Is consistent with the Comprehensive Plan provisions because it in compliance with all considered elements of the comprehensive plan and land development codes.
- C. Is compatible with the surrounding uses because the proposed zoning would allow rezoning of a parcel to a more intense use that is still consistent with adjacent uses.

VI. PLANNING & ZONING COMMISSION RECOMMENDATION

Approval. Motion by Mr. Gaekwad with a second by Mr. Bonner with a final vote of approval (6-0).

VII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

VIII. LIST OF ATTACHMENTS

- A. Rezoning application filed
- B. Site and Area Photographs
- C. DRC Comments
- D. Conceptual Plan