



**Marion County
Board of County Commissioners**

Growth Services

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Ocala, FL 34470
Phone: 352-438-2600
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**PLANNING & ZONING SECTION
STAFF REPORT**

Public Hearing Dates	P&Z: 04/28/2025	BCC: 05/19/2025
Case Number	250506ZC	
CDP-AR	32519	
Type of Case	Zoning Change: FROM: General Agriculture (A-1; 1 DU per 10 AC) TO: Residential Estate (R-E; 1 DU/AC)	
Owner	Moser Family Trust c/o Gary Moser	
Applicant	Gooding & Batsel c/o James T. Hartley	
Street Addresses	4480 SE 120 th St Bellevue, FL 34420	
Parcel Numbers	41409-006-09	
Property Size	± 9.05 acres	
Future Land Use	Low Residential (LR)	
Existing Zoning Classification	General Agriculture (A-1)	
Overlay Zone/Scenic Area	Secondary Springs Protection Overlay Zone (S-SPOZ); FEMA Flood Zone 'Unshaded X'; Marion County Flood Prone Area (±0.74-acre portion); City of Bellevue Utilities Service Area	
Staff Recommendation	APPROVAL	
P&ZC Recommendation	TBD	
Project Planner	Erik Kramer	
Related Cases	None	

I. ITEM SUMMARY

James T. Hartley, an associate attorney with Gooding & Batsel, PLLC, filed a zoning change application on behalf of the property owner – Moser Family Trust (c/o Gary Moser) – to convert a ± 9.05 -acre site from General Agriculture (A-1) to Residential Estate (R-E) for the intended use of “residential dwelling”.

The Parcel Identification Number (PID) for the subject property is 41409-006-09, located at 4480 SE 120th Street, approximately 0.45 miles west of the intersection of SE 120th Street and SE 112th Street Road. SE 120th Street is a public road maintained by Marion County. There is an existing single-family residence on the subject property. The property is not a part of a subdivision, though a family division approved in 2002 created PID 41409-006-13, which currently contains a single-family residence. According to the Applicant, “the ultimate goal is to... divide the subject property one time in order to build another residential dwelling” (see Attachment A).

The property is located within the Urban Growth Boundary, City of Belleview’s Utility Service Area, and Secondary Springs Protection Zone (S-SPOZ). According to FEMA’s 2017 Flood Zones designations, the entire property is subject to minimal flood risk (unshaded X). However, Marion County’s Flood Prone Area study identifies flood risk for a ± 0.74 -acre area on the eastern portion of the property.

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning application. Staff believes R-E zoning is appropriate for the subject property based on the character of the surrounding uses, impact on the public interest, and consistency with Marion County's comprehensive plan.

III. NOTICE OF PUBLIC HEARING

A notice of the public hearings for this application was mailed to 11 property owners within 300 feet of the subject property on April 11, 2025. A public hearing notice sign was also posted on the property on April 18, 2025. Additionally, a notice for the public hearings was published in the Ocala Star Banner on April 14, 2025. As of the date of this Staff Report's initial distribution, no correspondence in support of or opposition to the amendment has been received. Evidence of the public hearing notices is on file with the Growth Services Department and is incorporated herein by reference.

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 zoning change 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 assesses and analyzes these three criteria for the proposed zoning change in Sections A., B., and C. of this report.

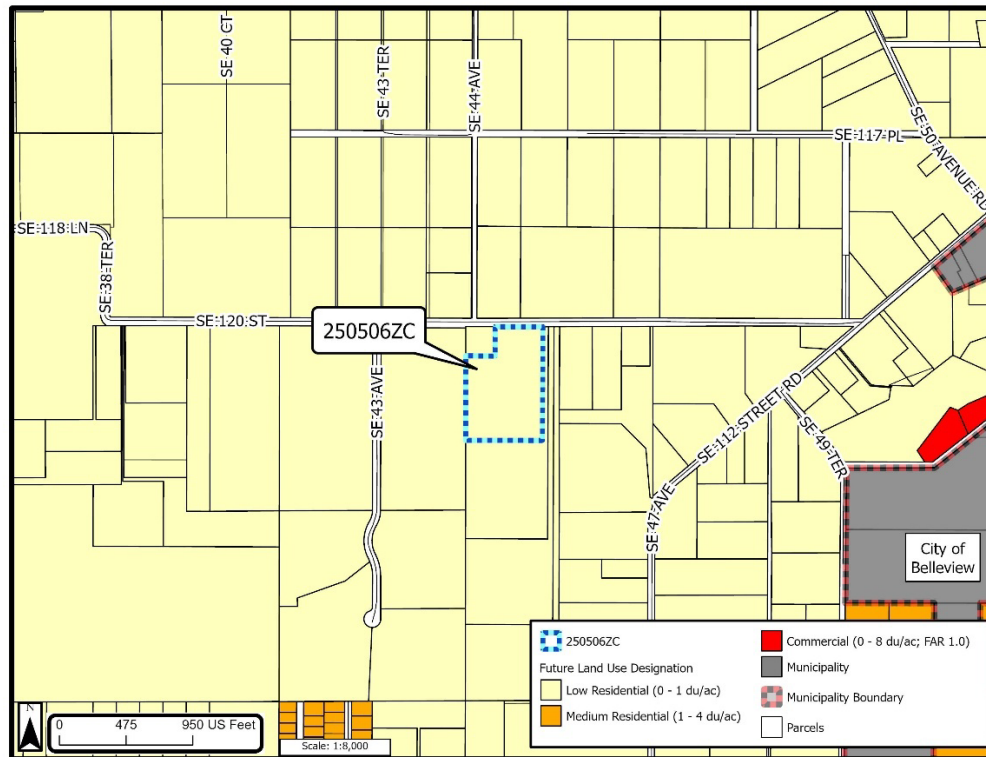
A. How is the Request Compatible with Surrounding Uses?

Compatibility is defined as a condition in which land uses, or conditions can co-exist 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.

Future Land Use

Figure 2 highlights the subject property, which currently holds a Low Residential future land use designation. It is surrounded by other properties designated for Low Residential use. The Low Residential designation allows for residential, public, recreation, and conservation uses. Both the current zoning (A-1) and proposed zoning (R-E) are compatible with the Low Residential land use designation.

Figure 2
Future Land Use Map Series Designation



Zoning

Figure 3 shows the existing A-1 zoning district for the subject property and surrounding properties, while Figure 4 shows the proposed R-E zoning district in relation to the existing zoning of the area. The subject property is surrounded by A-1-zoned parcels. Approving the zoning change to R-E would increase the potential density from 0.1 dwelling unit per acre to one (1) dwelling unit per acre, resulting in a potential density increase from one (1) dwelling unit to nine (9) dwelling units. Currently, (1) one dwelling unit currently exists on the property. The Applicant intends to divide the subject parcel to create one (1) additional parcel for one (1) new residential dwelling unit. A division of a parent tract into one (1) additional parcel is permitted by the Land Development Code Sec 2.16.1.B. provided zoning dimensions, driveway spacing, and access width requirements are satisfied. The existing density is 0.11 dwelling units per acre, which would increase to 0.22 dwelling units per acre – as permitted by the one-time division – on the same ± 9.05 tract of land. This corresponds to one (1) dwelling unit per ± 4.5 acres.

Nearby zoning classifications include six (6) R-E parcels ± 0.42 to ± 0.63 miles southeast hosting existing residential uses. Additionally, there are Single-Family Dwelling (R-1) parcels to the south, three (3) parcels zoned for One-and Two-Family Dwellings (R-2) to

the east, scattered Residential Mixed Use (R-4) parcels, Mobile Home Park (P-MH) parcels to the northeast, and two (2) Heavy Business (B-5) parcels to the east.

Figure 3
Existing Zoning Classification

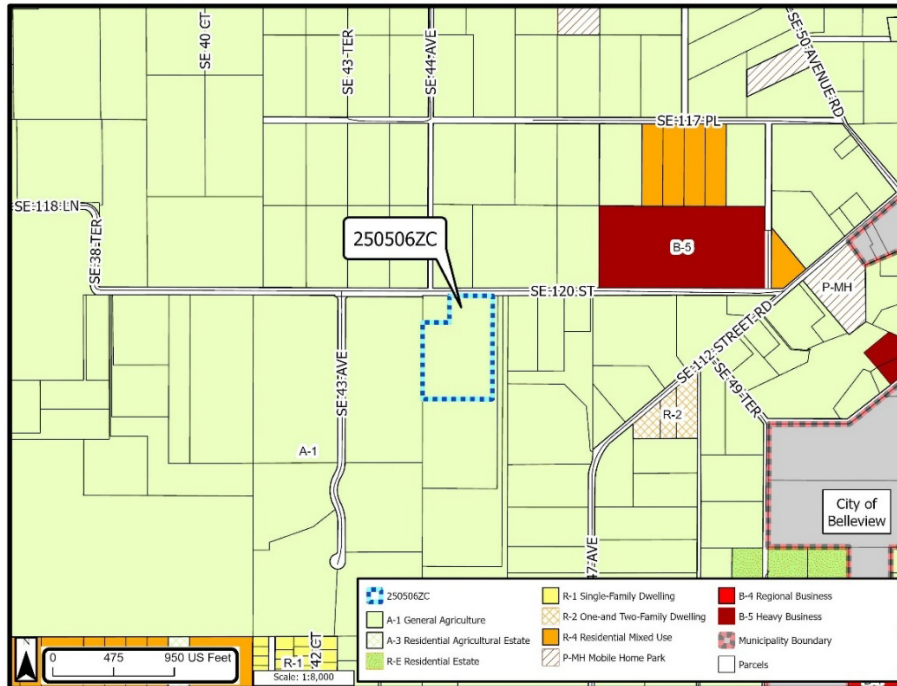
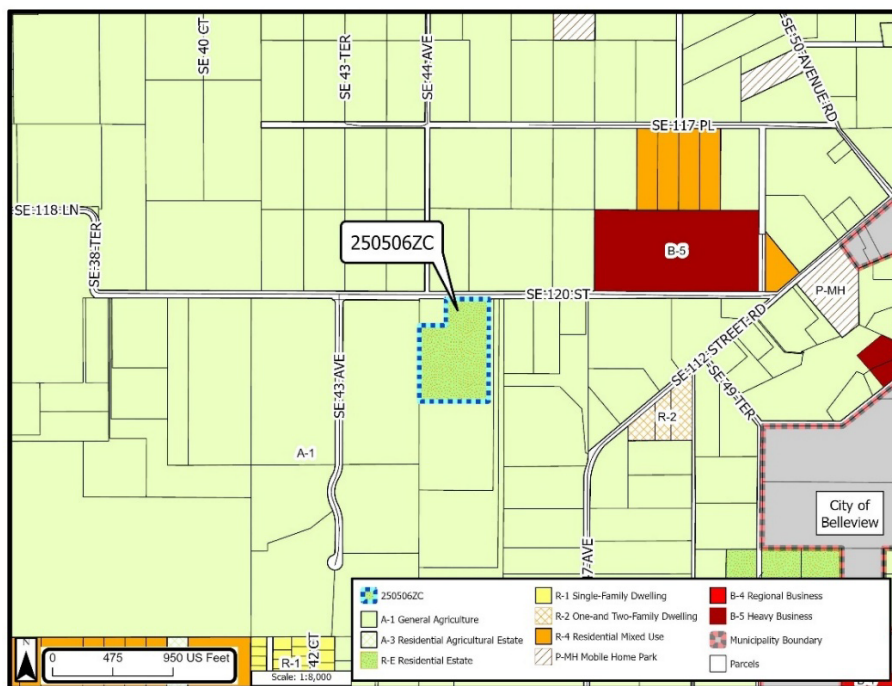


Figure 4
Proposed Zoning Classification



Surrounding Context and Existing Land Uses

Figure 5 shows recent trends in development in the surrounding area. Staff notes that there are no newly permitted developments or developments under review in the immediate vicinity of the subject property.

Figure 5
Development Orders

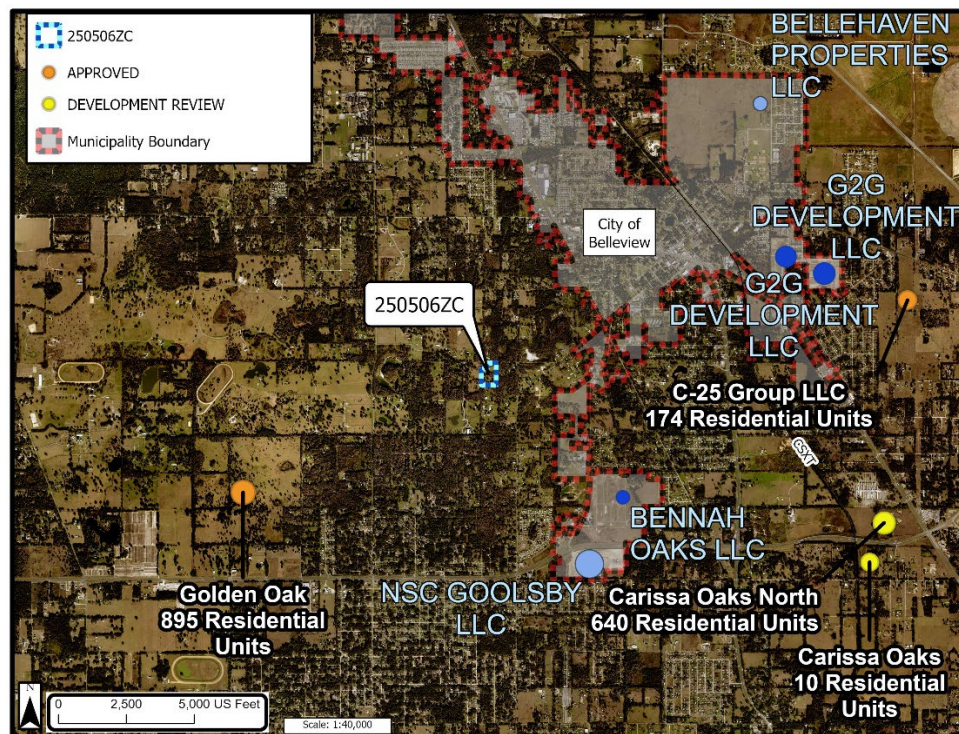


Figure 6 shows recorded and unrecorded subdivisions in the surrounding area. There are six notable subdivisions in the area:

- (1) Indian Wall Ranches (Book 6, Page 139) was recorded in 2002, containing four (4) 10-acre lots and one (1) 17.95-acre lot. The subdivision supports two single-family residences. This a portion of the 17.95-acre lot is directly adjacent to the subject property. The Indian Wall Ranches subdivision resulted in a 10-foot right-of-way dedication for SE 120th Street.
- (2) Green Acres (Book F, Page 115) was recorded in 1959, containing thirty-one (31) lots ranging in size from ± 0.35 to ± 0.46 acres. This plat was abrogated (repealed) in 1961. Today there are 5 parcels wholly or partially within the limits of the abrogated plat.
- (3) Bellevue Heights Unit 14 (Book F, Page 137) was also recorded in 1959, containing over five hundred (500+) lots ranging in size from ± 0.07 to ± 0.09 acres.

These lots have since been combined into quarter-acre lots or larger. The Belleview Heights Unit 14 is largely undeveloped and vacant.

- (4) Oak Ridge Farms (unrecorded, no date) contains fourteen (14) tracts of land ranging from 1.18-to-4 acres. Most tracts have an existing single-family residence, however, three tracts remain vacant.
- (5) Pleasant Hills (unrecorded) was filed in 1970, containing thirty-six (36) \pm 2.50-acre-lots and one (1) \pm 3.7-acre lot. Several lots have been combined since the filing date and most of the lots are developed with single-family residences.
- (6) Terra Bello Agricultural Lot Split, recorded in 2021, created four (4) 10-acre lots from the original parent parcel (PID 37388-000-00) which now consists of 15.05 acres. Today, all four lots are vacant and the private paved driveway intended to serve the lots has not been constructed.

Figure 6
Subdivisions

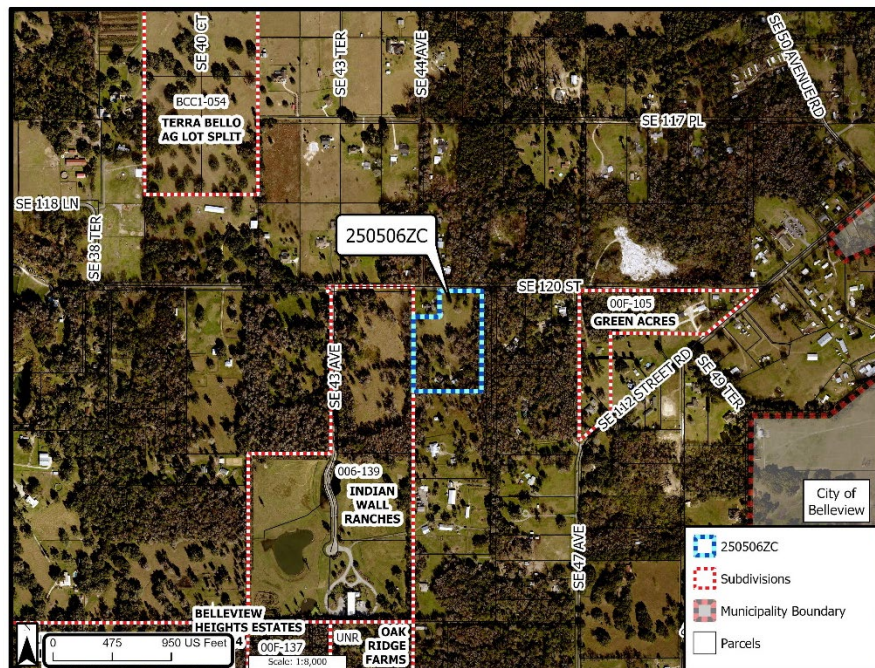


Figure 7 depicts Marion County Property Appraiser's (MCPA) data showing the existing land uses in the area surrounding the subject property. According to the MCPA 2025 Property Record Card, the subject property has a 1-acre portion classified as a "Rural Building Site" – used as a single-family residence – and an 8.05-acre portion used for "Grazing Land Class 3."

The parcels to the north, separated by SE 120 Street, include a single-family residence on a \pm 4.52-acre lot and manufactured housing residence on a \pm 9.1-acre lot. The parcel to the northwest contains a single-family residence on a \pm 1-acre lot, which was split from

the subject property in 2002 through the family division process. The ± 17.95 -acre parcel to the west – and the ± 10.05 -acre parcel to the south – are used as grazing land for cattle and both parcels host a single-family residence. To the east, there is approximately 120 feet of land serving as “flagstuffs” for (3) three flag lot parcels located south of the subject parcel. Further to the east, beyond these flagstuffs, are three (3) parcels with single-family residences.

The properties to the west and east are buffered by extensive existing trees and vegetation, the property to the south has a considerable buffer with less dense vegetation. The northern buffer of the subject property, which fronts SE 120 Street, consists of an approximately 5-foot rail-style fence and sparse trees.

Beyond the directly adjacent parcels, the surrounding area mostly hosts agriculturally productive properties with single-family residences and properties used only for single-family residences. There are some manufactured housing residences nearby. There is a limited amount of commercial and institutional uses situated eastward, closer to and within the City of Bellevue’s municipal boundaries.

Table A displays the information of Figures 2, 3, and 7 in tabular form. Consistent with LDC Section 2.7.3.D, staff conducted a site visit to evaluate the existing uses and character of the area. Staff found surrounding properties immediately to the north and east are used for low-density single-family residential development on large lots. The properties immediately to the south and west are mainly agricultural properties with open fields, dense vegetation, and/or livestock.

The subject property, if used or redeveloped for a permitted R-E use, is not likely interfere with the use or enjoyment of surrounding property owners’ property because:

- (1) The low-density development potential of land designated for Low Residential is compatible with R-E zoning standards;
- (2) The existing low density, single-family residential character of the area which currently features legal non-conforming A-1 lots with less than 10 acres more akin to R-E standards than A-1 standards;
- (3) The low-intensity agricultural uses permitted by-right under R-E are not commercial in nature; and
- (4) The allowable commercially-related uses in R-E require a special use permit.

Figure 6
Existing Use per Property Appraiser Property Code



Figure 7
Existing Use per Property Appraiser Property Code

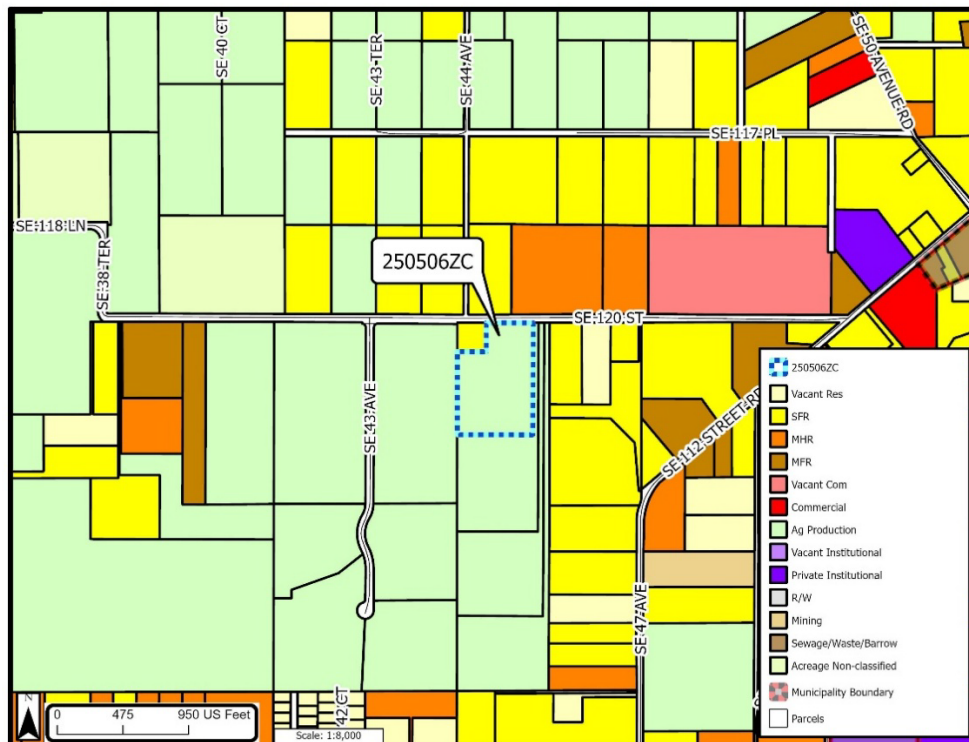


TABLE A. ADJACENT PROPERTY CHARACTERISTICS			
Direction	Current FLUM Designation	Current Zoning Classification	Marion County Property Appraiser Existing Use
Subject Property	Low Residential (LR)	From: General Agriculture (A-1) To: Residential Estate (RE)	Agricultural Production
North	Low Residential (LR) & SE 120 th St	General Agriculture (A-1) & SE 120 th St	Single Family Residential & Mobile Home Residential & SE 120 th St
Northwest	Low Residential (LR)	General Agriculture (A-1)	Single Family Residential
West	Low Residential (LR)	General Agriculture (A-1)	Agricultural Production
South	Low Residential (LR)	General Agriculture (A-1)	Agricultural Production
East	Low Residential (LR)	General Agriculture (A-1)	Agricultural Production

Staff determines that the proposed zoning change is **compatible with the Low Residential future land use designation of the subject parcel and the character of the surrounding area**. Despite being surrounded by properties zoned A-1, the proposed zoning change would not constitute illegal spot zoning due to:

- (1) Findings on consistency with the Future Land Use element of the County's comprehensive plan, as discussed further in section C. of this report; and
- (2) Compatibility of by-right permitted uses allowed in the R-E classification – namely single-family dwellings, community/personal gardens, livestock (horse, cattle, & chickens), and single-family guest cottage/apartment – are compatible with permitted uses in A-1 classification and existing uses on A-1 properties surrounding the subject property.

B. How Does the Request Affect the Public Interest?

a. **Transportation Impacts.** These include roadways, public transit, and other mobility features.

- i. ***Roadways.*** The subject property is situated on SE 120th Street which is a 20-foot wide paved local street. Marion County is responsible for maintaining SE 120th Street. The subject property is located within ± 0.9 road miles from SE 36th Avenue – a two-lane collector capable of supporting light traffic potentially generated by low density residential units. The expected average weekday trip generation per single-family detached unit is 9.9 trips, according to the Institute of Transportation Engineers (version 10).

Based on the potential density afforded by the Residential Estate zoning district on a ± 9.05 -acre parcel designated for Low Residential future land use and the trip generation rate this rezoning may generate approximately seventy-nine (79) new trips throughout the community, excluding the trips already generated by the existing dwelling unit located on the subject property.

However, based on the Applicant's intended use – construction of one (1) new single-family residence – and the average trip generation, this rezoning may generate between nine to ten (9 to 10) new trips throughout the community, excluding the trips already generated by the existing dwelling unit located on the subject property.

In its current state, SE 120th Street can accommodate additional trips generated by one (1) additional dwelling unit, as intended by the Applicant. However, issues may arise if the property is subdivided to allow for two (2) or more dwelling units, due to the pavement's 20-foot width.

Marion County's Traffic Engineering staff had no comments regarding the proposed zoning change (see Attachment B). Any site development will be subject to Marion County's Land Development Code standards regarding access.

- ii. ***Public Transit.*** There are no SunTran routes serving the subject property or operating in the nearby vicinity. Therefore, this zoning change would have no impact on public transit.

- iii. **Other Mobility Features.** There are no existing sidewalk or bicycle facilities along the SE 120th Street and there are no sidewalks or bicycles in the nearby vicinity. External sidewalks along SE 120th Street would not be required because it is a minor local road. Therefore, this zoning change would have no impact on pedestrian or bicycle facilities.

Based on the above findings, the impact of the proposed zoning change on the transportation system **would not adversely affect the public interest.**

- b. **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. The Bureau of Economic and Business Research finds, based on the 2020 U.S. Census, that Marion County's average household size is 2.33. The site is within the City of Belleview Service Area and connection requirements will be determined at the time of permitting.

- i. Current A-1 zoning: $[(1 \text{ DU} * 2.33 \text{ persons}) * 150 \text{ gallons}] = 349.5 \text{ gallons}$
- ii. Intended Use R-E zoning: $[(2 \text{ DU} * 2.33 \text{ persons}) * 150 \text{ gallons}] = 699 \text{ gallons}$
- iii. Maximum R-E zoning: $[(9 \text{ DU} * 2.33 \text{ persons}) * 150 \text{ gallons}] = 3,145.5 \text{ gallons}$

Based on the above findings, the impact of the proposed zoning change on potable water **would not adversely affect the public interest.**

- c. **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. The Bureau of Economic and Business Research finds, based on the 2020 U.S. Census, that Marion County's average household size is 2.33. The site is within the City of Belleview Service Area and connection requirements will be determined at the time of permitting.

- i. Current A-1 zoning: $[(1 \text{ DU} * 2.33 \text{ persons}) * 110 \text{ gallons}] = 256.3 \text{ gallons}$
- ii. Intended Use R-E zoning: $[(2 \text{ DU} * 2.33 \text{ persons}) * 110 \text{ gallons}] = 512.6 \text{ gallons}$
- iii. Maximum R-E zoning: $[(9 \text{ DU} * 2.33 \text{ persons}) * 110 \text{ gallons}] = 2,306.7 \text{ gallons}$

Based on the above findings, the impact of the proposed zoning change on sanitary sewer **would not adversely affect the public interest.**

- d. **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. The Bureau of Economic and Business Research finds, based on the 2020 U.S. Census, that Marion County's average household size is 2.33. Based on the calculations below, Marion County has the capacity to serve the potential new solid waste needs generated from the proposed zoning change.

- i. Current A-1 zoning: $[(1 \text{ DU} * 2.33 \text{ persons}) * 6.2 \text{ pounds}] = 14.5 \text{ pounds}$
- ii. Intended Use R-E zoning: $[(2 \text{ DU} * 2.33 \text{ persons}) * 6.2 \text{ pounds}] = 28.9 \text{ pounds}$
- iii. Maximum R-E zoning: $[(9 \text{ DU} * 2.33 \text{ persons}) * 6.2 \text{ pounds}] = 130 \text{ pounds}$

Based on the above findings, the impact of the proposed zoning change on solid waste **would not adversely affect the public interest.**

- e. **Recreation Impacts.** Recreation Element Policy 1.1.1. adopts a level of service standard to provide two (2) acres of public outdoor parks and recreational facilities per 1,000 persons. Based on the calculations below, Marion County has sufficient public outdoor parks and recreational facilities to serve the potential population generated from the proposed zoning change.

- i. Current A-1 zoning: $[(1 \text{ DU} * 2.33 \text{ persons}) * 2 \text{ AC}] / 1000 \text{ persons}] = 0.005 \text{ AC}$
- ii. Intended Use R-E zoning: $[(2 \text{ DU} * 2.33 \text{ persons}) * 2 \text{ AC}] / 1000 \text{ persons}] = 0.009 \text{ AC}$
- iii. Maximum R-E zoning: $[(9 \text{ DU} * 2.33 \text{ persons}) * 2 \text{ AC}] / 1000 \text{ persons}] = 0.04 \text{ AC}$

Based on the above findings, the impact of the proposed zoning change on recreation **would not adversely affect the public interest.**

- f. **Stormwater/Drainage Impacts.** 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 flood plain areas but does contain some flood prone areas as determined by Marion County's independent flood risk studies. Marion County's Drainage Engineering staff note that the subject parcel currently has 6,977 sq. ft. of impervious coverage and would be subject to a Major Site Plan "when its existing and proposed impervious coverage exceeds 9,000 [square feet]" (see Attachment B). If the proposed development does not trigger major site plan review or stormwater compliance requirements, it will be considered in compliance through Marion County's standard permitting process

g.

Based on the above findings, the impact of the proposed zoning change on stormwater/drainage **would not adversely affect the public interest.**

- h. **Fire Rescue/Emergency Services Impact.** The Comprehensive Plan does not establish a level of service standard for fire rescue/emergency services. Still, staff evaluate a 5-mile radius around the subject property as evidence of the availability of such services. Fire Station #18, located at 11941 SE 55th Avenue Road, Belleview, FL 34420 is 1.3 road miles east of the subject property. The expected, unimpeded travel time from Fire Station #18 to the subject property is 5 minutes according to Google Maps.

Based on the above findings, the impact of the proposed zoning change on fire rescue/emergency services **would not adversely affect the public interest.**

- i. **Law Enforcement Impact.** The Comprehensive Plan does not establish a level of service standard for law enforcement services. Still, staff evaluate a 5-mile radius around the subject property as evidence of the availability of such services. The nearest Sherriff substation is located approximately 5.2 road miles north of the subject property at 3260 SE 80th Street, Ocala, FL 34470. The expected, unimpeded travel time from the nearest Sherriff substation to the subject property ranges from 11 to 15 minutes based on travel routing, according to Google Maps. While Sherriff services do not satisfy the 5-mile preference it is important to note that Belleview's municipal police services do. The Belleview Police Department is located approximately 2.2 road miles northeast of the subject property at 5350 SE 110th Street. The expected, unimpeded travel time from the Belleview Police Department is 6 minutes.

Based on the above findings, the impact of the proposed zoning change on law enforcement **would not adversely affect the public interest.**

- j. **Public Schools Impact.** The county establishes a level of service standard for 105% of elementary and middle school's design capacity and 100% of high school's design capacity (Section 1.8.3.E). The following figures are provided for the 120th day of enrollment for the 2023-2024 school year: Belleview Elementary (90.4%), Belleview-Santos Elementary (93.08), Belleview Middle (104.5%), and Belleview High (117.46%). The proposed zoning change increases the density potential on the 9.05-acre property from 1 to 9 dwelling units.

Marion County Public Schools establishes the following student generation rates per single-family residential unit:

- i. Elementary – 0.107
 - 1. Current A-1 zoning: [1 du * 0.107 rate = 0.107 students ≈ 0 students]
 - 2. Proposed R-E zoning: [9 du * 0.107 rate = 0.963 students ≈ 1 student]
- ii. Middle – 0.043
 - 1. Current A-1 zoning: [1 du * 0.043 rate = 0.043 students ≈ 0 students]
 - 2. Proposed R-E zoning: [9 du * 0.043 rate = 0.387 students ≈ 0 students]
- iii. High – 0.071
 - 1. Current A-1 zoning: [1 du * 0.071 rate = 0.071 students ≈ 0 students]
 - 2. Proposed R-E zoning: [9 du * 0.071 rate = 0.639 students ≈ 1 student]

Based on the calculations above, the proposed zoning change may generate new demand for Belleview or Belleview-Santos Elementary and Belleview High. Both elementary schools have the capacity to accommodate new students; however, Belleview High is significantly over capacity. The potential addition of one more high school student raises a slight concern about further contributing to an already overcrowded facility; however, Marion County Public Schools is examining school capacities and is currently undertaking the construction of new public schools. Furthermore, the Applicant's intended purpose for the rezoning is to construct one (1) new home which is unlikely to generate a new student for elementary, middle, and high schools based on Marion County Public Schools' student generation rate.

Based on the above findings, the impact of the proposed zoning change on public schools **may adversely affect the public interest.**

In summary, after considering the impacts on Marion County's infrastructure and services, as discussed above, approving the zoning change from General Agriculture (A-1) to Residential Estate (R-E) **would not adversely affect the public interest.** This is because the potential negative impact on the Marion County Public Schools is outweighed by the lack of adverse impacts on other municipal infrastructure and services.

C. How is this Request Consistent with the Comprehensive Plan?

a. FLUE Policy 2.1.6 on Protection of Rural Areas.

"Rural and agricultural areas shall be protected from premature urbanization and a vibrant rural economy shall be encouraged outside the Urban Growth Boundary 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 Urban Growth Boundary and Planned Service Areas."

Analysis: The subject property is located within the Urban Growth Boundary, with the property and surrounding area designated for Low Residential future land use. Low Residential Land functionally serves to transition from rural to suburban densities. Similarly, R-E provides a transition from rural and suburban uses – permitting small lots than rural/agricultural zoning classifications, but larger lots than the suburban R-1 zoning classification.

The subject property is directly adjacent to properties for single-family residences (site-built and manufactured) to the north and east. More generally, properties to the north and east of the subject property are mainly used for single-family residences with some manufactured home residences and multiple-family residences radiating from the fringes of Belleview city limits. To the south and west, nearby properties are primarily used for agricultural production uses with some having secondary single-family residential uses. The proposed rezoning is a logical extension of existing nearby residential lots, which are sited on smaller lots – ranging from two (2) to five (5) acres – than those allowed by the existing A-1 zoning. At the same time, the rezoning would allow for limited agricultural uses – such as raising livestock and gardening for non-commercial/personal purposes – near existing agricultural activities to the south and west.

Thus, this application is **consistent** with FLUE Policy 2.1.6.

b. FLUE Policy 2.1.12 on Agricultural Uses Within an Urban Area.

“The County may allow the continuation of existing agricultural uses on urban designated lands within the Urban Areas including Urban Growth Boundary and Planned Service Areas until the property is utilized for types of development allowed by the Future Land Use designation, as further defined in the LDC. However, such uses shall be not be construed to limit urban development of the surrounding area as authorized within this policy.”

Analysis: The proposed zoning change from A-1 to R-E is consistent with this policy because, if approved, the subject property would transition from a zoning classification that allows bona fide agricultural uses to a residential zoning classification that matches the intent of the existing Low Residential land use designation. Low Residential is considered part of the “Urban Area” according to the FLUE Policy 2.1.17 (further discussed below).

Thus, this application is **consistent** with FLUE Policy 2.1.12.

c. FLUE Policy 2.1.13 on Protection of Rural Neighborhoods.

“Marion County shall recognize “rural neighborhoods” that occur within or outside of the Urban Growth Boundary deserve special protection from the intrusion of urban uses, densities, and intensities where new development occurs within the immediate vicinity. For the purpose of this policy, a rural neighborhood is an existing recorded or unrecorded subdivision where the overall density does not exceed one unit per three acres and the subdivision has a predominant Future Land Use Designation of Rural Land or Low Residential.”

Analysis: Attachment F shows the ±57.95-acre Indian Wall Ranches subdivision which currently supports two (2) dwelling units. The gross density of this subdivision is one (1) dwelling units per ±29 acres. Technically, this qualifies as a “rural neighborhood” based on the definition of this policy; however, functionally, two dwelling units does not constitute a neighborhood. The subject property directly abuts a portion of this subdivision.

Staff finds that the rezoning the subject property to R-E would not constitute an intrusion of:

- (1) Urban uses – because residential uses permitted by-right in R-E are limited to the same residential uses allowed in A-1 (single-family residences and guest/family cottages) and R-E permits limited agricultural activities. R-E permits office and public lodging accommodation uses by special permit which require an additional application; however, staff would not support such an application because LR does not allow office or commercial uses;
 - a. Note: there is no concurrent special use permit application with this zoning change request.
- (2) Urban densities – because LR is the existing designation for the subject property and Indian Wall Ranches; and
- (3) Urban intensities – because commercial, industrial, and office uses are not permitted by-right in the LR future land use designation.

Thus, this application is **consistent** with FLUE Policy 2.1.13.

d. FLUE Policy 2.1.17 – Low Residential (LR).

“This land use designation is intended to recognize areas suited for primarily single-family residential units for existing and new development within the Urban Growth Boundary, a Planned Service Area, or Urban Area. Parcels outside of, but contiguous to the Urban Growth Boundary and outside of the Farmland Preservation Area 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 units per one (1) gross acre, as further defined in the Land Development Code. 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.”

Analysis: The LR future land use designation establishes a zero (0) to one (1) dwelling unit per acre density standard. Residential, public, recreation, and conservation uses are allowed land use categories within the LR designation. LR is considered part of the “Urban Area.”

The following zoning districts are appropriate for land designated for LR:

- (1) A-1 (until rezoned to a Residential zoning district);
- (2) R-E; and
- (3) PUD.

This application seeks to rezone the subject property from A-1 to R-E. The intent of A-1 is to “preserve agriculture as the primary use. This classification in the Urban Area may be used for agriculture until it is rezoned to another permitted classification” (LDC, Sec. 4.2.3). In contrast, the intent of R-E is to “provide for low-density urban residential development with large lot home sites and certain agricultural uses which are compatible with residential development” (LDC, Sec. 4.2.8).

The minimum lot area of an A-1 property is 10 acres; whereas the minimum lot area of a R-E property is 0.75 acre (32,670 sq. ft.). Considering the density standards of LR, determination of LR as an “Urban Area,” zoning objectives of A-1 and R-E, and lot size requirements of R-E, the proposed R-E zoning is appropriate for the subject property.

Thus, this application is **consistent** with FLUE Policy 2.1.17.

e. **FLUE Policy 5.1.3 on Planning and Zoning Commission.**

“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 March 31st, 2025 Planning and Zoning Commission; therefore, the application is **consistent** with FLUE Policy 5.1.3.

f. FLUE Policy 5.1.4 on Notice of Hearing.

“The County shall provide notice consistent with Florida Statutes and as further defined in the LDC.”

Analysis: Public notice was provided as required by the LDC and Florida Statutes; therefore, the application was processed **consistent** with FLUE Policy 5.1.4.

g. FLUE Policy 7.4.3 on Permitted Uses [in Springs Protection Overlay Zone].

“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 subject property is within the County-wide Secondary Springs Protection Overlay Zone (S-SPOZ). Single-family detached residences are permitted in the S-SPOZ. All site development will need to comply LDC provisions pertaining to stormwater management for single-family residences.

Thus, this application is **consistent** with FLUE Policy 7.4.3.

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

V. 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 make a recommendation to **APPROVE** the proposed rezoning because the Zoning Change request is **compatible with surrounding uses, will not adversely impact the public interest, and is consistent with the County's comprehensive plan.**

VI. ALTERNATIVE ACTIONS

A. Deny the Zoning Change Request

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. Table the Zoning Change Request

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.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

To be determined.

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

IX. LIST OF ATTACHMENTS

- A. Application Package;
- B. DRC Comments;
- C. Surrounding Property Notification;
- D. Site and Area Photographs;
- E. Preliminary Boundary Sketch for Boundary Adjustment and Parcel Division; and
- F. Indian Wall Ranches Recorded Plat.