



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

Hearing Dates	P&ZC: 08/25/2025	BCC: 9/15/2025
Case Number	250907ZC	
CDP-AR	32957	
Type of Case	Rezone from General Agriculture (A-1) and Mixed Family Dwelling (R-4) to Planned Unit Development (PUD)	
Owner	Homestead Villas (Nate Chambers, Mgr.), Martin, Starlin J. & Williams Family Trust	
Applicant/Agent(s)	Fred N. Roberts Jr., Esq.	
Street Address / Site Location	550 NW 73 rd Avenue (Only One Address Available)	
Parcel Number	23303-002-00, 23303-000-04, 23204-002-00	
Property Size	±12.77 acres	
Future Land Use	Low Residential (LR) & Medium Residential (MR)	
Zoning Classification	General Agriculture (A-1) & Mixed Residential (R-4)	
Overlay Zone/Scenic Area	Inside of Urban Growth Boundary (UGB), Secondary Springs Protection Overlay Zone (SSPOZ)	
Staff Recommendation	APPROVAL WITH DEVELOPMENT CONDITIONS	
P&ZC Recommendation	APPROVAL WITH DEVELOPMENT CONDITIONS	
Project Planner	Kenneth Odom	
Historic/Related Case(s)	Companion Small Scale Land Use Amendment: 25-S12: Low Residential (LR) to Medium Residential (MR)	

I. ITEM SUMMARY

Fred Roberts Esq., agent for the applicants, Homestead Villas LLC (Nate Chambers, Mgr.), Starlin Martin Jr. and The Williams Family Trust, has filed an application for to rezone PID# 23204-002-00 for Mixed Residential (R-4) and PID#s 23303-002-00 & 23303-000-04 General Agriculture (A-1) to Planned Unit Development (PUD). The legal descriptions are provided within the application (see Attachment A). A companion application also proposes a small-scale land use amendment for the ±7.7-acres of General Agriculture (A-1).. The site is located within the Urban Growth Boundary (UGB), and in the County-wide Secondary Springs Protection Zone (SS-SPOZ). No code cases have been found to be active at this location.

The subject property is currently zoned A-1 (General Agriculture) and R-4 (Mixed Residential). The applicant is requesting a rezoning to Planned Unit Development (PUD) and a Future Land Use Map amendment to Medium Residential (MR). The MR land use designation permits a maximum residential density of four dwelling units per acre. The proposed development includes 25 duplexes for a total of 50 dwelling units on 12.77 acres, resulting in a net density of approximately 3.91 dwelling units per acre, which is consistent with the MR designation.

In accordance with Marion County Land Development Code Section 4.2.31, a PUD rezoning requires the submittal of a Conceptual PUD Plan. A plan has been included with this application, illustrating the layout of the proposed duplex units, open space and landscape buffers, an internal neighborhood park, and supporting infrastructure, including roadways and stormwater management areas. The amenities and stormwater for the subject property are proposed to be included on-site of the PUD property. Figure 1 is an aerial photograph showing the general location of the subject property. The property is located in the Urban Growth Boundary (UGB) and the County's Secondary Springs Protection Overlay Zone (S-SPOZ).

Figure 1
General Location Map

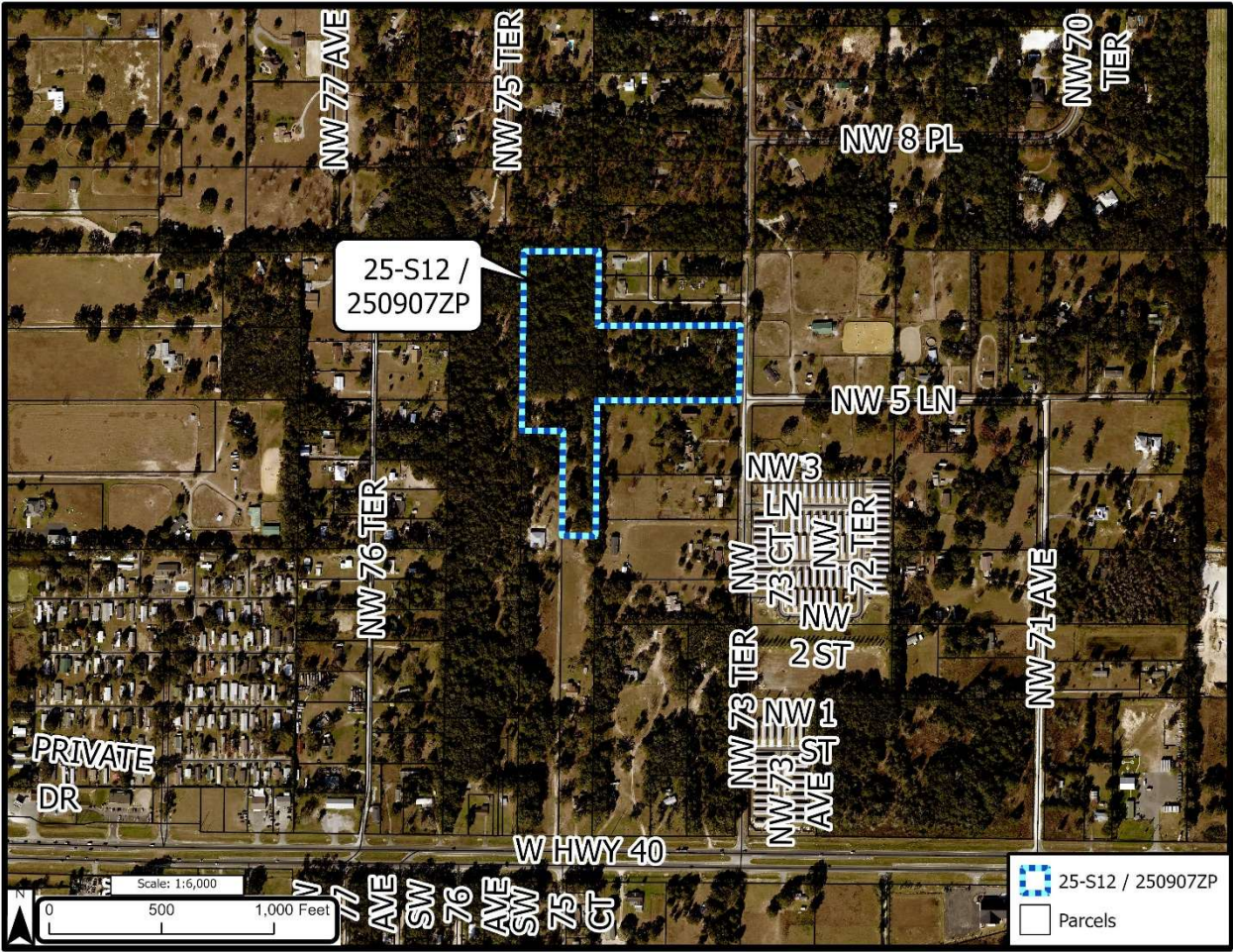
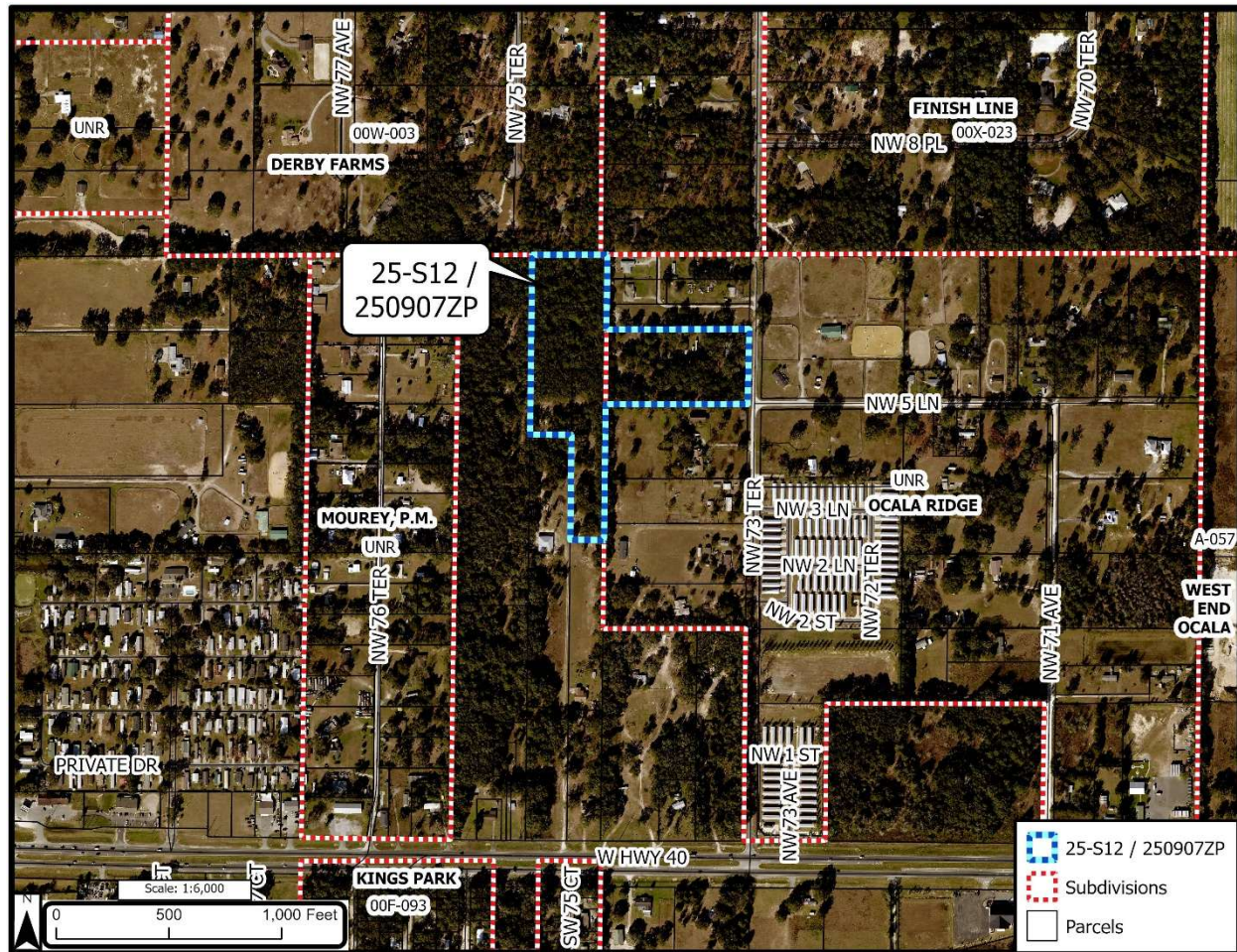


Figure 2
Adjacent Developments



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **Approval** of the applicant's request because it is consistent with LDC Section 2.7.3.E.2, which requires that granting a rezoning will not adversely affect the public interest, that the rezoning is consistent with the Marion County Comprehensive Plan (MCCP), and that the rezoning is compatible with land uses in the surrounding area, and with LDC Section 4.2.31 on Planned Unit Development. The proposed PUD's application and planning are sufficient in the information that has been provided to staff in order to conduct efficient analysis of the potential impacts to the surrounding area.

III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C., notice of public hearing was mailed to all property owners (19) within 300 feet of the subject property on August 8, 2025. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on August 14,

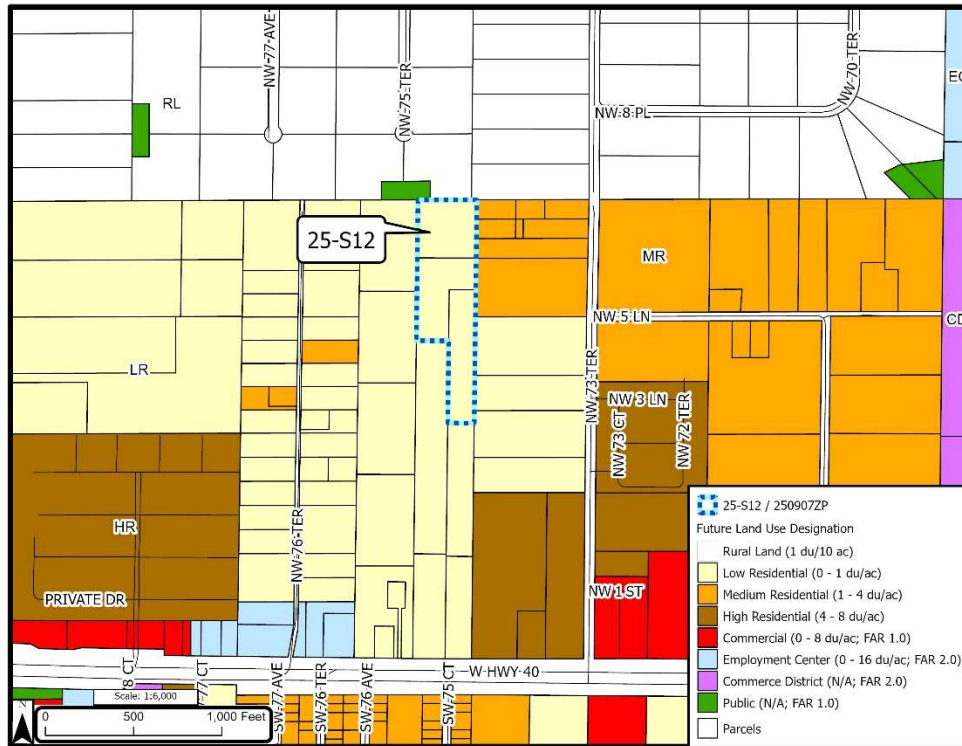
2025, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on August 11, 2025. Evidence of the above-described public notices is on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution 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 is addressed below.

- A. *Compatibility 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 an aerial photograph displaying existing and surrounding site conditions. Figure 3 displays the site and surrounding areas' future land use designations as shown in Map 1 of the Comprehensive Plan Future Land Use Map Series (FLUMS), Figures 4 and 5, respectively, display the existing and surrounding properties' existing zoning classifications and the site's proposed zoning classification. Figure 6 shows the uses of the subject property and surrounding properties as classified by the Marion County Property Appraiser. Table A displays the tabular information from Figures 3, 4, and 6.

**Figure 3
FLUMS Designation**



**Figure 4
Existing Zoning Classification**

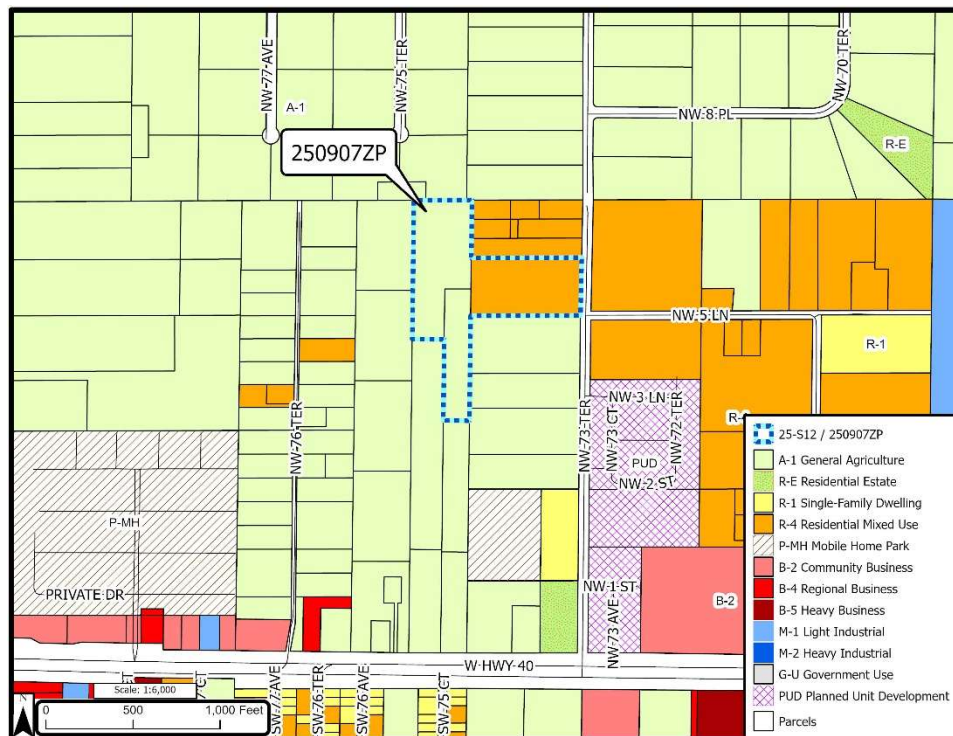


Figure 5
Proposed Zoning Classification

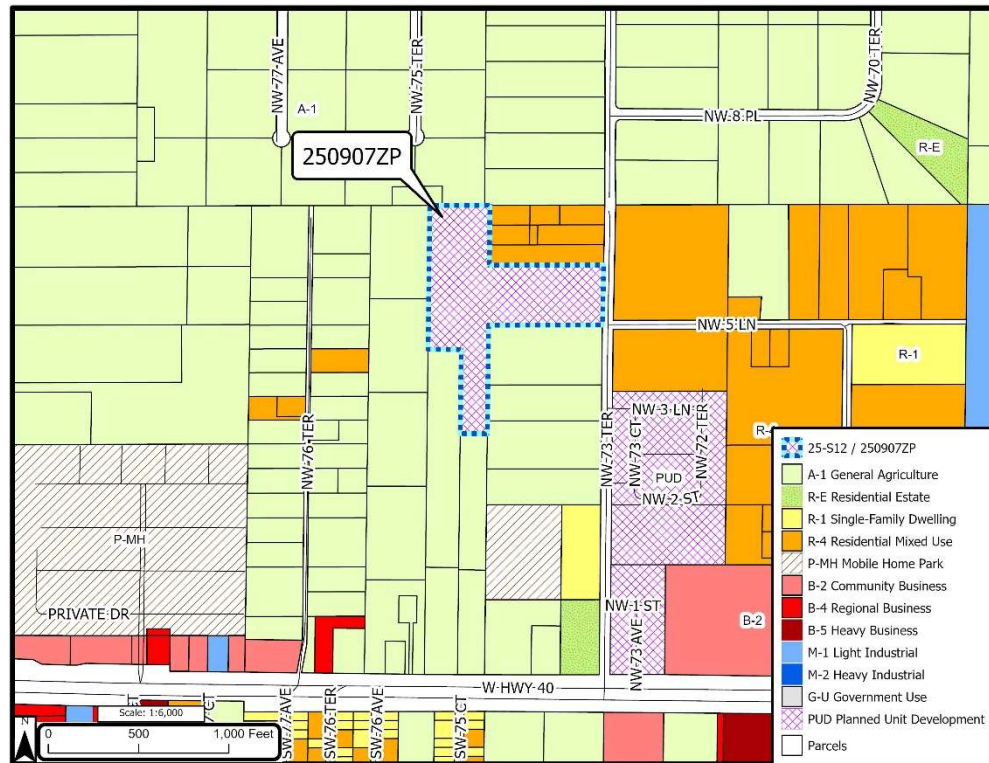


Figure 6
Existing and Surrounding Land Uses

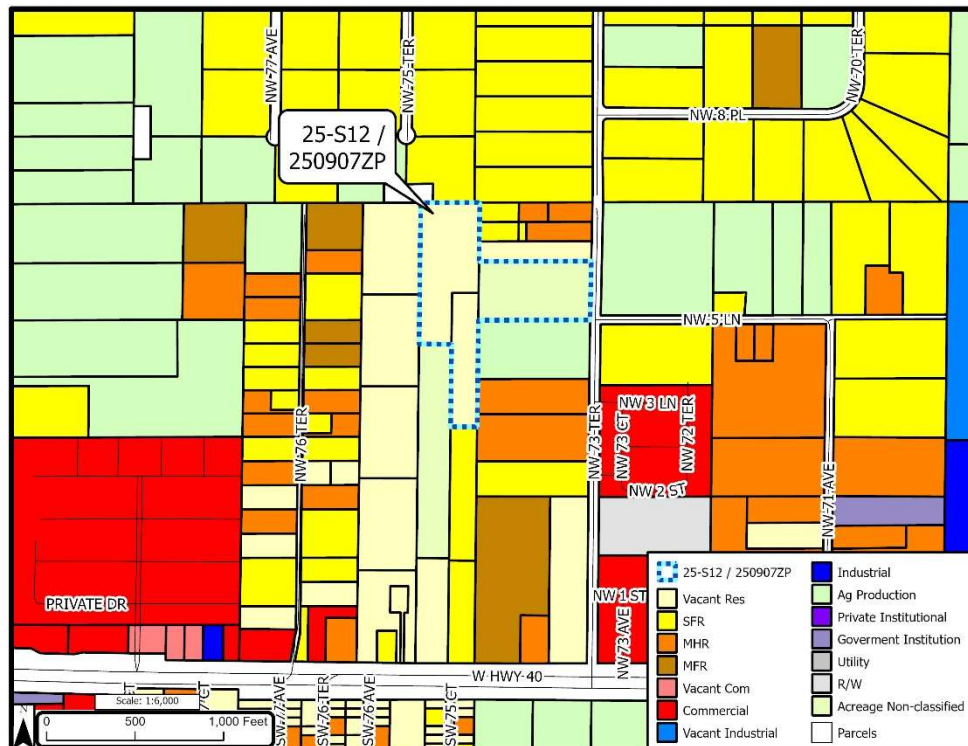


TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUMS	Zoning	Existing Use
Site	Low Residential (LR)	General Agriculture (A-1)	Improved Residential (01)
North	Low Residential (LR)	General Agriculture (A-1)	Unimproved Residential (00)
South	Low Residential (LR)	General Agriculture (A-1)	Unimproved Residential (00)
East	Medium Residential (MR)	Mixed Residential (R-4)	Unimproved Residential (00) Improved Residential (01)
West	Low Residential (LR)	General Agriculture (A-1)	Unimproved Residential (00) Improved Residential (01)

Consistent with LDC Section 2.7.3.D, staff conducted a site visit on July 30, 2025 (Attachment B) and found the subject parcels to be vacant and undeveloped. The area has been cleared of understory and maintained. SW 73rd Terrace is currently a dirt road from approximately 145' north of NW 3rd Lane. The applicant will be required to pave the remainder of SW 73rd Terrace from the project driveway to the existing paved area, approximately 500' to the south.

The plan proposed includes twenty-five duplexes, for a total of fifty residential units. The maximum building height provided would be 35' with a required minimum 30' separation between the buildings.

The setbacks proposed follow Section 4.2.31 of the LDC, which states setbacks are an item that PUDs may provide for approval or denial in the development process.

Table 2 below summarizes the PUD's proposed and *staff's recommended setbacks for the PUD*:

TABLE 2. SETBACKS (IN FEET)			
	Location	Proposed	Recommended
	Front	20'	20'
	Rear	10'	10'
	Side	10'	10'

Figure 7
Homestead Villas Site Plan

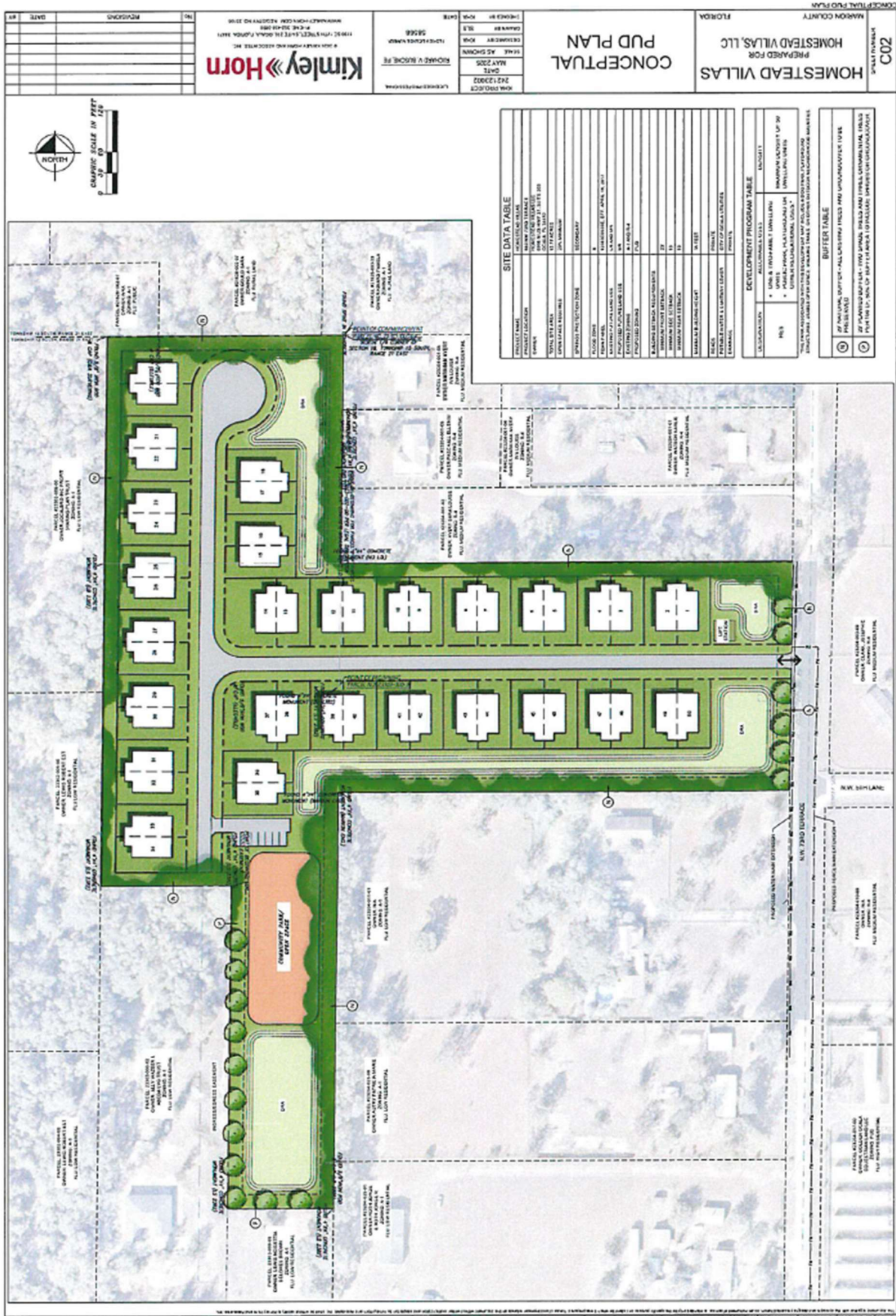
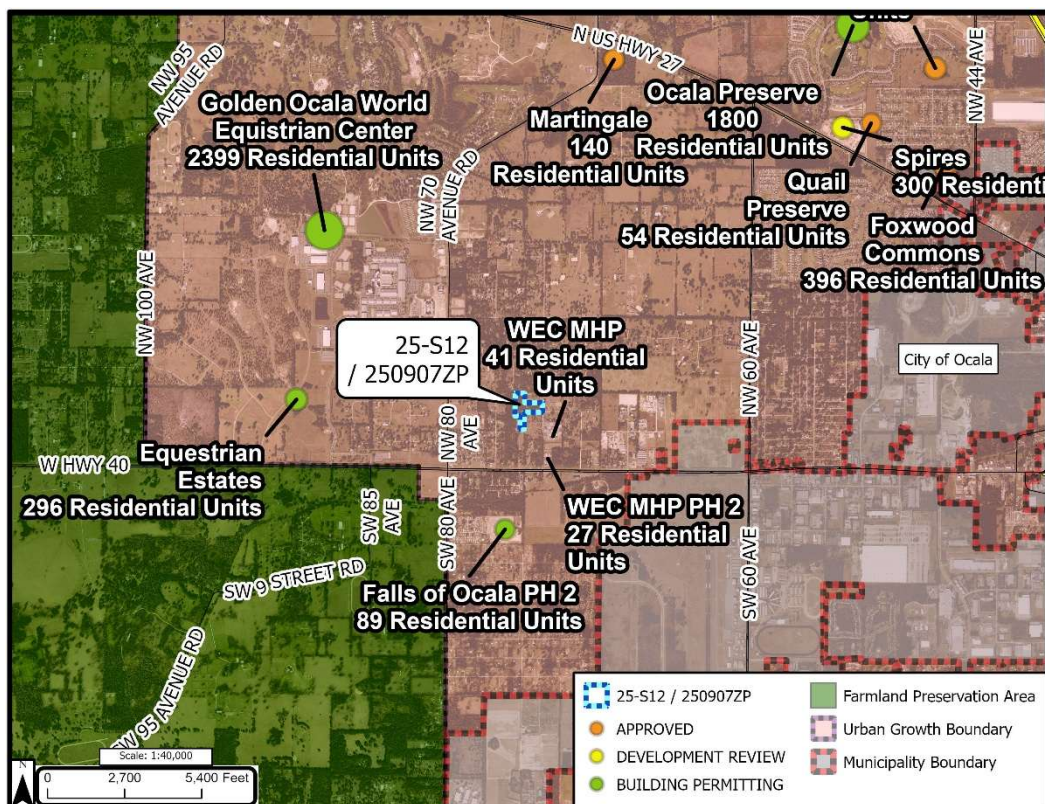


Table 3 summarizes the PUD's proposed and staff's recommended buffers for the PUD. Maps Attachment Page 8 includes buffer diagrams for the PUD's proposed buffering types and labels each of the property boundary lines with the buffer type, minus a three or four-board fence, which was discussed with the applicant during the time of the site visit.

TABLE 3. BUFFERS				
Direction	Adjoining Use	Required	Proposed	Recommended
North	Single-Family Residential	D-Type	Modified B-Type	Modified B-Type
South	Single-Family Residential	D-Type	Modified B-Type	Modified B-Type
East	Single-Family Residential	C-Type	Modified B-Type	Modified B-Type
West	Single-Family Residential	D-Type	Modified B-Type	Modified B-Type

Figure 8 below shows residential development in the surrounding area and the number of units approved for each. The illustrated area is split between the jurisdiction of the City of Ocala and Marion County.

FIGURE 8
Residential Development



Based on the above findings, the staff concludes the proposed rezoning is **compatible** with the existing and future surrounding land uses.

B. *Will not adversely affect the public interest.*

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. An approved Traffic Statement or methodology has been provided for the project (AR 32957). Based on the ITE 11th Generation, projected numbers generated by staff, the project is expected to generate approximately 360 daily trips, with 28 PM peak hour trips and 31 PM peak hour trips. The proposed PUD includes a single point of ingress/egress on NW 73rd Terrace.
 - b. Public transit. Fixed-Route bus services are not currently available at this location.
 - c. Other mobility features. Sidewalks are typically required internally and externally. However, sidewalks are not proposed with this development at all. This will ultimately need to be proven by the Board of County Commissioners.

Based on the above findings, it is concluded that the application's proposed **transportation impacts would not adversely affect the public interest.**

2. Potable water impacts. Potable Water Element Policy 1.1.1 adopts a level of service (LOS) standard of 150 gallons per person per day for residential demand and approximately 2,750 gallons per acre per day for nonresidential demand. Based on the maximum proposed of 50 units, the rezoning could result in an overall generation of 18,000 gallons per day. DRC comments (Attachment D) provided by Marion County Utilities indicate, *"Parcel is within MCU territory, but has water and sewer available from City of Ocala. A letter from the City of Ocala stating service availability and connection requirements shall be submitted prior to building permit issuance. Ensure the City of Ocala has seen and approved utility connections, as they are not part of MCU's review process. If the City of Ocala does not have availability, MCU will review possible connections for water and sewer."* As long as the developer abides by the requirements put in place by Utilities, it is concluded that the application'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 maximum proposed of 50 residences, the rezoning could result in an overall generation of up to 13,200 gallons per day. The DRC comments from Utilities, again, indicate this development may have availability to City of Ocala connection and must provide a letter stating such. As long as the developer abides by the requirements put in place by

Utilities, it is concluded that the application'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. The SWE does not establish a LOS standard for solid waste generation for non-residential uses. The County has identified and arranged for short-term and long-term disposal needs by obtaining a long-term contract reserving capacity with a private landfill in Sumter County. Based on the above, it is concluded that the application's **solid waste impacts would not adversely affect the public interest.**
5. Fire rescue/emergency services. Golden Ocala Station #20, located at 3600 NW 70th Ave, approximately 3.4 miles north-northwest 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 findings, the application is **consistent with this section.**
6. Law enforcement. The site is officially located in the service district for Marion County's Main Operations Center, located at 692 NW 30th Avenue, approximately five miles due east 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. Due to the proximity of the facility, it is concluded that the application's **law enforcement impacts would not adversely affect the public interest.**
7. Public schools. College Park Elementary, Howard Middle School, and West Port High School serve this section of Marion County. While there are areas of localized overcrowding in the county, overall, it has capacity. It is concluded that the proposed rezoning's impact on **public schools would not adversely affect the public interest.**

In conclusion, staff finds the public facility impacts **may adversely affect the public interest** if issues with mobility features, water & sewer, and Fire Rescue/Emergency services are not addressed.

C. *Comprehensive Plan consistency.*

1. FLUE Policy 1.1.1: Marion County Planning Principles: The County shall rely upon the following principles to guide the overall planning framework and vision for the County:
 1. Preserve, protect, and manage the County's valuable natural resources.
 2. Recognize and protect the rural equestrian and agricultural character as an asset of the County's character and economy while

providing clear, fair, and consistent standards for the review and evaluation of any appropriate future development proposals.

3. Support the livability of the existing cities and towns in the County by planning for the logical extension of development in a manner that enhances the scale, intensity and form of these areas through the introduction of sustainable smart growth principles and joint planning activities.

4. Support economic development through government practices that place a priority on public infrastructure necessary to attract such activities and that foster a local economic development environment that is conducive to the creation and growth of new businesses, the expansion of existing businesses, and is welcoming to private entrepreneur activities.

Analysis: Staff finds the property is located within the Urban Growth Boundary (UGB) at a location where water and sewer services are available. The site is proposed to go from Light Residential (LR) to Medium Residential (MR) land use. The proposed PUD intends to develop the subject properties as a multi-family PUD with amenities. Staff concludes the proposed zoning change **is consistent** with FLUE Policy 1.1.1.

2. 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 project site is located within the UGB and has access to public water and sewer services. Staff concludes the proposed zoning change **is consistent** with FLUE Policy 1.1.5.

3. FLUE Policy 2.1.18: Medium Residential (MR) 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 PUD site plan proposes a maximum of 50 duplex multi-family dwelling units on the subject site. Consistent with the Urban Residential land use, the proposed product is multi-family and intends to build to 3.91 units per acre on the 12.77 acres. Staff concludes the proposed zoning change **is consistent** with FLUE Policy 2.1.20.

4. Policy 3.1.2: Planning Principles within the UGB: 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, links to the surrounding neighborhoods, and alternative transportation routes.
12. Establish priority areas for public facility and service infrastructure.

Analysis: The proposed PUD will expand on a multi-family residential area approved for development contiguous to the subject site, linking the sites and building based on the same development standards. The proposal will allow for a mix of land uses and housing types and will encourage variety in housing opportunities within an area that, in years past, was predominantly single-family. Based on the principles being met as shown above, the staff finds the rezoning is **consistent** with FLUE Policy 3.1.2.

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 with the Comprehensive Plan, Zoning, or LDC.

Analysis: Currently, the subject site has an Urban Residential land use that was shown previously to be suited primarily for multi-family use. The current zoning classifications of General Agriculture (A-1) and Mixed Family Dwelling (R-4) are allowed with the land use, but does not take advantage of the density allowed with UR. The multi-family PUD requested uses the density as permitted and does so within an area inside the UGB where water and sewer services are available. Staff finds the rezoning 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 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 went to the August 25, 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: Staff finds public notice has been provided as required by the LDC and Florida Statutes and, therefore, concludes the application is being processed **consistent** with FLUE Policy 5.1.4.

8. FLUE Policy 6.1.3: Central Water and Wastewater Service: The County shall require development within the UGB, Urban Areas, and other developments consistent with this Plan and as required in the LDC to use central water and wastewater. Central water and wastewater treatment facilities shall be constructed in accordance with the Wastewater and Potable Water Elements of this Plan and as further defined in the LDC.

Analysis: Central water and sewer services are available in the area and require connection by the Developer. Staff finds the rezoning **is consistent** with FLUE Policy 6.1.3.

9. TE Policy 2.1.4: Determination of Impact: All proposed development shall be evaluated to determine impacts to adopted LOS standards. Land Development Regulations (LDRs) shall be established, which determine the level and extent of the analysis required based on the extent of the project and its projected trip generation. The information shall, at a minimum, provide for a review of site access, circulation, access management, safety, and, when of sufficient size, roadway links analysis and intersection analysis will be provided, including Average Annual Daily Trips (AADT) and/or peak hour (AM, PM, Sat/Sun).

Analysis— The of Office of the County Engineer’s (OCE) traffic division noted conditional approval. They provided the following comment, “Project will generate fewer than 50 peak HR trips. Approved upon the condition that NW 73rd Terrace will be paved from the existing pavement to the site entrance. NW 73rd Terrace extension shall be designed, constructed, and paved to County specifications; a related offsite improvement plan is required.” Provided that the County requested improvements are made, Staff finds the application to be **consistent** with TE Policy 2.1.4.

10. TE Policy 2.3.2: Provision of Multimodal Connections: Where site and location analysis determine that there is a need, the County shall provide or require the provision of bicycle and/or pedestrian ways, and/or other alternative modes of transportation through the Land Development Code to

connect residential, recreational, schools and commercial areas internally and to adjacent properties unless such facilities would create a safety hazard.

Analysis: Sidewalks are not provided internally or externally. DRC comments from Traffic Engineering did not address sidewalk requirements. Further discussion on the inclusion of sidewalks shall be addressed at the Board of County Commissioners hearing. Staff finds the provisions are not addressed, but will be revisited, and this application **may or may not be consistent** with FLUE Policy 6.1.3 based on future requirements as determined by the Board of County Commissioners.

11. SSE Policy 1.1.3: The County shall encourage the construction of sanitary sewer facilities by public or private sources, or jointly, in accordance with the Marion County Water and Wastewater Utility Master Plan, and the LDC.

Analysis: The County has identified and arranged for short-term and long-term disposal needs by obtaining a long-term contract reserving capacity with a private landfill in Sumter County.

The property is within the UGB and within the City of Ocala Utilities' Service Areas. Sewage services can be accommodated through capacities that are currently available. Based on these findings, the application is consistent with SSE Policy 1.1.3.

12. SSE Policy 1.2.1: Within the UGB, all new development approval requests (CPAs, rezonings, site plans, etc.) will require proof that central sanitary sewer and water service from a County-approved provider is or will be available. Approved providers in the UGB are MCUD, the cities of Ocala, Belleview, and Dunnellon, and private utilities authorized by the County within its service area.

Analysis: The City of Ocala has confirmed that service capacities are available. Staff finds the application is **consistent** with SSE Policy 1.2.1.

9. PWE Policy 1.6.4: Adequate potable water supplies and facilities that meet the adopted LOS standards shall be available concurrent with the impacts or development.

Analysis: The property is within the UGB and is within the City of Ocala Utilities' Service Area. Projected daily usage would be 18,000 gallons per day. Potable water impacts would not adversely affect the public interest. The City of Ocala has confirmed that service capacity is available. Staff finds the application is **consistent** with PWE Policy 1.6.4.

10. SE 1.1.5: Stormwater facilities meeting the adopted LOS shall be available concurrent with the impacts of the development.

Analysis: Stormwater review shall take place during the Major Site Plan review process, which must occur prior to construction. However, the site plan provided currently includes no stormwater facilities on-site. Thus, the application is **not consistent** with SE Policy 1.1.5.

In conclusion, based upon the totality of the circumstances, the staff concludes the rezoning application is **consistent** with some of the Comprehensive Plan Policies analyzed.

V. PLANNED UNIT DEVELOPMENT (PUD) ANALYSIS

Land Development Code Section 4.2.31 establishes specific requirements for a PUD. An analysis of conformance to those requirements is addressed below.

A. LDC Section 4.2.31.B addresses permitted uses.

1. LDC Section 4.2.31.B.(1) allows any permitted use, special use, or accessory use in any zoning classification listed within the County's LDC, provided the proposed use is consistent with the County's future land use designation for the site, and the provisions of the LDC for each use.

Analysis: The PUD proposes all uses as permitted by Mixed Family Dwelling (R-4) zoning. The development proposes to include up to 50 multi-family units in twenty-five structures, a playground, and a public park.

Based on the above, the staff concludes the application **is consistent** with this section, subject to the following conditions:

1. *The PUD shall be limited to a maximum of 50 duplex units, in twenty-five structures.*
2. *The PUD shall be developed consistent with the PUD Plan provided.*

2. LDC Section 4.2.31.B.(2) provides that uses identified as ordinarily requiring a Special Use Permit may be authorized as permitted within all or a part of a PUD without the necessity of a separate SUP application, provided it meets one of three criteria;

Analysis: Staff finds the application lists all uses permitted in R-4 to be allowed by right in the PUD. No special uses are being proposed within the PUD. Therefore, the application is **consistent** with LDC Section 4.2.31.B.(2).

3. LDC Section 4.2.31.B.(3) provides that owners of parcels within the PUD may subsequently request the authorization of additional special uses following approval of the PUD by undertaking the SUP application process for the proposed additional use without applying for an amendment to the PUD.

Analysis: Staff finds that a list of proposed uses matching that of the County's R-4 zoning classification was provided with the PUD. Any use outside the uses proposed would require a special use permit to be applied for and granted. The application is **consistent** with LDC Section 4.2.31.B.(3).

4. LDC Section 4.2.31.B.(4) establishes three (3) methods for setting forth the list of permitted and special uses.

Analysis: The PUD proposes all allowed uses within R-4. As such, the PUD is **consistent** with this requirement.

5. LDC Section 4.2.31.B.(5) provides that the intended character of the PUD shall be identified, including the structure types, architectural styles, ownership forms, amenities, and community management form (e.g., property owner association, community development classification, municipal service unit, etc.) or suitable alternative.

Analysis: The PUD provides renderings in Attachment A, Page 12 of the intended style of the duplex units. Amenities listed include a playground and park area. The master plan indicates that an HOA will be responsible for maintaining all improvements (streets, parking areas, drainage system, and common areas) in perpetuity.

As recommended, the staff finds the application to **be consistent** with this section of code.

- B. LDC Section 4.2.31.C establishes a minimum PUD size of 0.5 acres or 21,780 square feet.

Analysis: Staff finds the property has a size of ± 12.77 acres and therefore is **consistent** with this section.

- C. LDC Section 4.2.31.D addresses density and intensity.

1. LDC Section 4.2.31.D(1) provides the maximum allowable density/intensity for a PUD cannot exceed that established by the Comprehensive Plan Future Land Use Designation(s) for the site, along with any density or intensity bonuses and/or transfers acquired for the site as enabled by the Comprehensive Plan and the LDC; however, if the PUD site is vested for a higher density/intensity as established consistent with the Comprehensive Plan and the LDC, the PUD may propose densities and/or intensities consistent with the vested status.

Analysis: The PUD Plan includes ± 12.77 acres of property with a Medium Residential (MR) land use designation. As such, the density permitted is 1-4 du/acre. At the maximum, this site could develop up to 51 dwelling units, which is one more than the amount being requested. The proposed PUD is **consistent** with the section.

2. LDC Section 4.2.31.D.(2) provides that the Board is not obligated to authorize the maximum density/intensity as potentially allowed by the Comprehensive Plan future land use designation(s) and/or bonuses and/or transfers acquired for the PUD site. The criteria for establishing a maximum density/intensity includes existing zoning, adequacy of existing and proposed public facilities and services, site characteristics, and the requirements of the Comprehensive Plan for any residential or non-residential land use involving the area in question, with additional focus on the compatibility of the PUD's proposed uses with the adjoining and surrounding properties.

Analysis: The PUD Plan falls within the density and intensity permitted by their land use, they have availability to water and sewer connection, are providing amenities, and they are located within the Urban Growth Boundary. The proposed PUD **is consistent** with the section.

3. LDC Section 4.2.31.D.(3) provides density/intensity increases may be attained through one of three methods.

Analysis: Small-scale Comprehensive Plan Amendment 25-S12 has been filed, which proposes to change parcels 23303-002-00 & 23303-000-04 from Low Residential (LR) to Medium Residential (MR). Thus, the staff concludes this section is **consistent with this section**.

4. LDC Section 4.2.31.D.(4) allows for blending of densities/intensities if the subject property has more than one FLUMS designation.

Analysis: Staff finds the subject property is proposed to have a single land use designation of Medium Residential (MR) if 25-S12 is approved. As such, the staff finds this section is **not applicable**.

5. LDC Section 4.2.31.D.(5) addresses averaging.
 - a. LDC Section 4.2.31.D.(5)(a) provides the gross amount of density/intensity of uses in a PUD may be allocated to any area of the total PUD site; however, proposed uses that are subject to the special setback and/or protection zone/area requirements shall be required to comply with those applicable standards as established within the Comprehensive Plan and this Code both within, and to areas outside the boundary, of the PUD.

Analysis: Staff finds that the future land use of the subject property does not propose a blending of intensity or density. Staff find this section is **not applicable**.

- b. LDC Section 4.2.31.D.(5)(b) allows alternative setback and/or protection zone/areas meeting the intent of the Code for uses internal to the PUD site as part of the PUD review and consideration, subject, however, to the Comprehensive Plan.

Analysis: Staff finds the PUD proposes its own setbacks and height limitations. Setbacks proposed are 20' from the front, 10' from the rear,

and side property lines. The maximum building height proposed is 35'. Staff finds the PUD is **consistent** with this section.

- c. LDC Section 4.2.31.D.(5)(c) provides that if the PUD is for a cluster type project that must be enabled as a PUD as established by the Comprehensive Plan (e.g., Rural Residential Cluster or Hamlet Division 3.3), then the PUD shall be subject to compliance with the applicable natural open space preservation requirements, with the remaining lands available for development then being eligible for density and/or intensity averaging, subject to any special requirements of the particular PUD cluster type as required by the Comprehensive Plan and this Code.

Analysis: Staff finds that the PUD is not a hamlet or rural residential cluster. Thus, the staff finds that this section is **not applicable**.

6. LDC Section 4.2.31.D.(6) requires the PUD to comply with the minimum buffer requirements as established in this Code, or an alternative design meeting the intent of the Code may be proposed for consideration. If an alternative design is proposed, the proposal shall include, at a minimum, scaled typical vertical and horizontal cross-sections of the buffer, including depictions of all proposed alternative buffer improvements and scaled representations of the existing principal structures and improvements that are located on the adjoining properties being buffered from the PUD. LDC Section 4.2.31.E.(6) provides that buffers shall be provided externally and internally, between the PUD and surroundings, and between internal PUD uses, in order to maintain compatibility between uses and avoid and/or limit adverse impacts between uses and nuisance situations

Analysis: The PUD Plan proposes modified buffers that either meet or exceed those required by the LDC, as demonstrated previously in this report. Attachment A, Page 5, includes a layout with diagrams showing the buffers. Staff finds the applicant buffers to be appropriate, making this item **consistent** with the provision.

- *Buffers for the entire development shall be as indicated in the PUD's Landscape Buffer Plan.*
 - *North – Modified B-Type with three/four board fence (No Wall)*
 - *East – Modified B-Type with three/four board fence (No Wall)*
 - *South – Modified B-Type with three/four board fence (No Wall)*
 - *West – Modified B-Type with three/four board fence (No Wall)*

- D. LDC Section 4.2.31.E.(1) addresses three types of access.

1. LDC Section 4.2.31.E.(1)(a) provides all properties resulting from a PUD shall have paved access to paved public or private street right-of-way; however, ingress/egress or cross-access easements may be proposed as an alternative to a right-of-way as part of the PUD, provided all access is paved.

Analysis: The traffic methodology provided has not been approved, thus, an approved traffic statement has not yet been provided to address potential improvements. Staff finds access does exist to the property and proposed access points will be required to meet Traffic's requirements, making this application **consistent** with this provision as recommended with the condition provided below.

- *Requirements provided as a result of the approved Traffic Study and Traffic review must be implemented.*

2. LDC Section 4.2.31.E.(1)(b) provides that the PUD shall include pedestrian and/or bicycle facilities internally to address internal circulation needs and externally to provide for integration of the PUD with surrounding existing for future use.

Analysis: The PUD Plan indicates there will be no internal or external sidewalks for the duplexes, and the Traffic Engineering DRC comments do not address sidewalks. Staff finds, if improvements are developed as required by Traffic, the application **is consistent** with this provision as recommended.

- *NW 73rd Terrace will be paved from the existing pavement to the site entrance. NW 73rd Terrace extension shall be designed, constructed, and paved to County specifications; a related offsite improvement plan is required.*

3. LDC Section 4.2.31.E.(1)(c) provides that the PUD shall include multi-modal design accommodating pedestrian, bicycle, transit, and vehicular access, focusing on integrating the modes with the proposed PUD uses and expected activity levels and/or focus (e.g., employment, residential, institutional, etc.).

Analysis: Sidewalks are not proposed, internal or external. NW 73rd Terrace is not a county-maintained road or functionally classified. Sidewalks are not required on this corridor. Staff finds the application **is consistent** with this provision.

4. LDC Section 4.2.31.E.(1)(d) provides parking and loading spaces shall be provided consistent with the requirements for developed uses as listed in Section 6.11.8; however, alternative parking and loading standards may be proposed, provided such standards are based on accompanying technical information and analysis provided by a qualified professional. The use of shared parking is encouraged, along with the integration of parking as part of a multi-use structure as provided in Section 4.2.6.D(8).

Analysis: The PUD conceptual plan provided indicates parking will be provided in front of the duplexes, in individual driveways, or in garages attached to each unit. The amenities provided (playground and park) also

provide parking accommodations, making the application **consistent** with this section.

5. LDC Section 4.2.31.E.(1)(e) requires all appropriate utility infrastructure shall be made available to and provided for the PUD.

Analysis: Central water & sewer service is addressed with availability to the site through City of Ocala service connection. Confirmation of this from the City of Ocala has been provided. As such, the plan is **consistent** with this provision.

6. LDC Section 4.2.31.E.(1)(f) requires that all appropriate and necessary stormwater infrastructure shall be provided for the PUD development to ensure compliance with this Code.

- a. LDC Section 6.13.2 addresses the minimum requirements for stormwater management.

Analysis: Stormwater has been addressed with the application, as far as the location of drainage retention areas. Actual calculations will be addressed during the site plan review. The application is **consistent** with this section.

- *The DRA will be required to hold the total stormwater runoff volume generated from the 100-year, 24-hour storm event, with no off-site discharge.*

- b. LDC Section 6.13.3 addresses four different types of stormwater management facilities.

Analysis: Stormwater management facilities are illustrated and addressed with the site plan and development standards. The application is **consistent** with this section.

- E. LDC Section 4.2.31.E.(2) addresses easements.

1. LDC Section 4.2.31.E.(2)(a) provides that easements shall be provided to address the maintenance and upkeep of all PUD infrastructure (e.g., Stormwater systems, utilities, etc.) and/or when necessary to allow adjoining property owners reasonable access for the maintenance and upkeep of improvements (e.g., access for zero-lot line structure, etc.). Any easements necessary shall be provided, established, and conveyed consistent with the provisions of Article 6.

Analysis: Staff finds that any easements required for maintenance and upkeep of the PUD infrastructure will be determined during the Development Review phase of the process.

2. LDC Section 4.2.31.E.(2)(b) provides that no principal or accessory structure may be erected, placed upon, or extend over any easement unless authorized in writing by the entity holding title to said easement, with such authorization being recorded in the Marion County Official Records. Such authorizations may include, and are encouraged to set forth, terms and conditions regarding the easement encroachment (e.g., duration, maintenance, removal, sunset, etc.) for reference by all current and future parties.

Analysis: Staff finds that buildable areas and easements will be finalized and/or determined during the Development Review phase of the development process.

F. LDC Section 4.2.31.E.(3) addresses setbacks and separation requirements.

1. LDC Section 4.2.31.E.(3)(a)3 provides that all setbacks for principal and accessory structures shall be provided in both typical illustration and table format. The typical illustration and table shall be included on all development plan submissions as related to the development type, and shall particularly be provided on the Master Site Plan and/or Final Plat Plan.

Analysis: The PUD Plan proposes the site's various setbacks and height limitations in an illustrative format. The PUD is **consistent** with this section

2. LDC Section 4.2.31.E.(3)(c) provides building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure, particularly those that make up habitable space, shall comply with established principal structure setbacks; however, the PUD may propose authorized encroachments not to exceed two feet into any setback, subject to compliance with building construction standards (e.g., fire code) for the encroachment structure, except no encroachment into an established front yard setback is permitted.

Analysis: The PUD Plan does not propose any such encroachments for setbacks. Thus, the PUD will be **consistent with this section**

3. LDC Section 4.2.31.E.(3)(d)2. a. provides at a minimum, structures on the same property shall be separated by a minimum of ten feet. In the event a dedicated easement is between the structures, the separation between structures shall be increased to provide a minimum of five feet of separation from each structure to the boundary of the easement.

Analysis: Staff finds that any additional separations that are made a requirement due to development relative to easements and on-site structures shall be addressed during the Development Review phase of the process.

G. LDC Section 4.2.31.E.(4) addresses heights.

1. LDC Section 4.2.31.E.(4)(a)2. provides the maximum height limit for all PUDs shall be seventy-five feet; however, an alternative maximum height limit may be proposed, subject to ensuring the safe and effective provision of services, maintenance, and support of the PUD development (e.g., fire service/ladder truck) and the provision of sufficient buffering to surrounding uses both within and outside the PUD.
2. LDC Section 4.2.31.E.(4)(a)3. provides all maximum height limits for principal and accessory structures shall be provided in both typical illustration and table format. The typical illustration and table shall be included on all development plan submissions as related to the development type, and shall particularly be provided on the Master Site Plan and/or Final Plat Plan.

Analysis: Design standards provided list the maximum building height of 35'. Typical sections depicting vertical height were not included.

3. LDC Section 4.2.31.E.(4)(b) addresses PUD heights in relation to dissimilar uses.

Analysis: As previously provided in this report, multi-family dwellings with a 35' maximum building height are proposed, minus the typical vertical depiction. As such, the PUD will still be **consistent with this section** as only a single type of structure is proposed.

H. LDC Section 4.2.31.E(5) addresses outdoor lighting.

1. LDC Section 4.2.31.E(5)(a) requires the following be illuminated: Potentially dangerous and/or hazardous locations to promote and maintain health and safety (e.g., roadway intersections, crosswalk locations, etc.); Structures and facilities to discourage and deter criminal activity (e.g., loading docks, utility facilities, etc.); and Structures and facilities consistent with their authorized hours of operation (e.g., recreation facilities, business, etc.).

Analysis: The LDC regulates lighting from new developments (excluding single-family residences) under section 6.19.6. Lighting from this project is expected to consist of lighting for an entrance sign and potentially a very small number of streetlights. The proposed park will not be lit for nighttime use. The Project will comply with all requirements of LDC Section 6.19.6.

2. LDC Section 4.2.31.E(5)(b) provides all lighting shall be installed in a manner to illuminate the identified structure, facility, or activity while ensuring the lighting does not cast direct light on adjacent dwellings or properties in a negative manner, or cast light in an upward manner so as to illuminate the night sky and/or become a hazard to air navigation.

Analysis: Outdoor lighting will be limited to residential uses only.

3. LDC Section 4.2.31.E(5)(c) provides that all outdoor lighting shall be provided consistent with the provisions of Section 6.12.14 and Division 6.19.

Analysis: Outdoor lighting will be limited to residential uses only.

- I. LDC Section 4.2.31.E.(6) provides that buffers shall be provided externally and internally, between the PUD and surroundings and between internal PUD uses, in order to maintain compatibility between uses and avoid and/or limit adverse impacts between uses and nuisance situations as follows:

1. Buffers shall be provided between the proposed PUD uses and the PUD's surroundings, and between the PUD's internal uses, in a manner that conforms to the requirements of Section 6.8.6; however, a PUD may propose alternative buffer standards and designs provided the intent of the buffer requirement is satisfied.
2. A PUD may propose the elimination of internal buffers within the PUD; however, for significantly dissimilar uses (e.g., residential versus industrial), mechanisms to ensure future PUD residents and occupants are aware of the elimination of such requirements may be required in response to such a proposal.

Analysis: The provision of perimeter buffers has been previously addressed. A condition has already been recommended to address this requirement.

- J. LDC Section 4.2.31.E(7) addresses open space.

1. LDC Section 4.2.31.E.(7)(a) provides that for a PUD implementing a Rural Land - Residential Cluster, Rural Land - Hamlet, or Rural Community development form as authorized by the Comprehensive Plan future land use element and Division 3.3, the PUD shall be subject to the following:
 - a. The PUD shall identify all the required natural open space (NOS) acreage to be permanently conserved consistent with the Comprehensive Plan and this Code, with particular attention to Sec. 6.6.6.A., along with the intended form and/or method of conservation.
 - b. If the PUD is also subject to a native habitat vegetation preservation requirement as listed in Section 6.6.5, the minimum 15% native habitat to be preserved should be included within the natural open space, thereby simultaneously complying with the NOS and native habitat conservation requirements; additionally, the applicant is encouraged to preserve as much of the native habitat within the NOS as possible.
 - c. The PUD shall provide a minimum of five percent improved open space as provided in Section 6.6.6.B, with this improved open space being focused on satisfying the recreation facility needs of the PUD as listed in (7)(c) below.

Analysis: The PUD site does not propose a Rural Land Residential Cluster or Hamlet, therefore, this section of the LDC is not applicable.

2. LDC Section 4.2.31.E.(7)(b) provides for all other PUDs, whether residential, institutional, commercial, industrial, or mixed-use, improved open space (IOS) consistent with Section 6.6.6.B shall be provided as a minimum of 20 percent of the PUD gross land area.

Analysis: The PUD plan states a minimum of 20% open space will be provided, but does not give detailed figures or list the areas being designated for open space on the site plan. The application is currently **is consistent** with this section of the LDC as there are no figures provided to confirm the minimum open space requirement.

- *The PUD must meet the LDC requirement of a minimum of 20% improved open space.*

The PUD development shall establish and maintain a master property owner association to oversee and manage the development's operation and maintenance of its supporting infrastructure, amenities, and architectural standards. Further, the PUD development shall comply with Marion County LDC Section 6.3.1.F(1) to establish and be subject to a suitable special district [e.g., CDD, other State-recognized government district, or a Marion County established special district (e.g., MSBU and/or MSTU)] and shall not be eligible to seek an LDC Waiver for such establishment.

3. LDC Section 4.2.31.E.(7)(c) establishes the following design guidelines for open space:
 - a. IOS shall be permanently set aside and shall be designated on the PUD and be established as separate properties/tracts to be owned and managed by a governing association for the PUD, whether a private property owners association, community development district, or municipal service unit, unless otherwise approved by the Board upon recommendation by the DRC.
 - b. The PUD's minimum required IOS amounts shall be listed on the PUD's related plans, and shall be depicted depending on the level of development review, allowing for more general with conceptual and proceeding to detailed for platting and/or site planning.
 - c. IOS is intended to be integrated into the PUD design and provide the primary avenue for satisfying overall landscaping requirements for all development as required in Divisions 6.7, 6.8, and 6.9.
 - d. IOS shall be integrated throughout the PUD to provide a linked access system to the IOS.
 - e. IOS shall be improved, including compatible structures, to the extent necessary to complement the PUD uses.

Analysis: This PUD plan does include open space areas and amenities accessible to all homes to be developed within the site. The application **is consistent** with this section of the LDC.

4. LDC Section 4.2.31.E.(7)(d) establishes the following improved open space eligibility standards:
- a. Landscape buffers required for the PUD perimeter to surrounding properties, and within the PUD to provide internal buffering, shall be counted at 100 percent.
 - b. Parks, playgrounds, beaches, bikeways, pedestrian walks, equestrian trails, and other similarly improved, usable outdoor areas shall be counted at 100 percent,
 - c. Up to 25 percent of stormwater facilities may be counted to satisfy area/acreage requirements for the required IOS. A higher percentage may be approved by DRC, depending on the design and lay of the facility, wherein the stormwater facilities provide a stable, dry surface for extended periods of time and are not subject to erosion and/or damage to key design components when subjected to active use by PUD residents, employees, and patrons.
 - d. Parking areas and road rights-of-way may not be included in calculations of IOS; however, separate tracts exclusive of rights-of-way providing landscaping buffers, or landscaped pedestrian, bicycle, and other non-vehicular multi-use trails may be classified as IOS.
 - e. Waterbodies in the PUD may be used to partially fulfill IOS space or recreational space requirements in accordance with the following criteria:
 - 1) Waterbodies available and used for active water-oriented recreation uses such as boating, kayaking, canoeing, paddle boarding, fishing, water/jet skiing, and swimming may be used in calculations of IOS area of waterbodies but shall not exceed 50 percent of the total IOS; however, the adjoining recreational lands supporting the active water-oriented recreation uses may be counted at 100 percent.
 - 2) Waterbodies not available or used for the noted active water-oriented recreation uses may be used in calculations of IOS, but shall not exceed 10 percent of the total IOS; however, the adjoining recreational lands supporting the waterbody that are established as recreation/amenity space may be counted at 100 percent recreational space. Only those waterbodies that are available to the development for water-oriented recreation use, such as boating, fishing, water skiing, and swimming, and have associated recreational land areas, may be used in meeting these requirements.
 - f. If golf courses and/or driving ranges are provided to partially fulfill recreation space requirements, a maximum of 60 percent of the golf course and/or driving range land may be counted toward the required IOS. A golf course, driving range, and waterbodies combined cannot exceed 75 percent of the required IOS.

Analysis: The LDC requires all PUDs to provide a minimum of 0.40 acres of 20% open space to comply with this policy. At 12.77 acres, the project is required to provide a minimum of 2.55 acres of open space, as defined by the LDC. The proposed development includes a neighborhood park of

approximately 0.75 acres, which will feature a shelter and seating area, a playground, and open space for passive recreation. The proposed 20' perimeter buffer will provide another 2.05 acres of open space, for a total of 2.80 acres of open space, without taking credit for the grassed retention areas. The location and precise sizes of all open space areas will be shown on the Master Plan and Improvement Plans for the project. The application **is consistent** with LDC Section 4.2.31.E.(7)(c).

- K. LDC Section 4.2.31.E.(8)(a through e) address Maximum Commercial Use Area in a Residential PUD in a Residential Future Land Use Designation.

Analysis: The PUD site features no Commercial Use area; therefore, this section of the LDC is not applicable.

- L. LDC Section 4.2.31.F. addresses the pre-application meeting.

1. LDC Section 4.2.31.F.1 requires a pre-application meeting to be conducted before a PUD rezoning application can be accepted.

Analysis: A pre-application meeting took place with Growth Services staff on July 22, 2025, and a follow-up site visit meeting was held on July 30, 2025, to discuss the missing information needed for proper review.

2. LDC Section 4.2.31.F.(2)(a) requires a PUD application to be accompanied by a Conceptual Plan, Master Plan, Major Site Plan, or Preliminary Plat.

Analysis: The PUD application is being provided by the applicant as a Master plan.

3. LDC Section 4.2.31.F.(2)(b) requires the PUD Rezoning Application shall be accompanied by a Conceptual Plan that provides documentation addressing the following:
- a. The name of the proposed PUD shall be centered at the top of the sheet along the long dimension of the sheet.
 - b. Vicinity map that depicts the relationship of the site to the surrounding area within a 1-mile radius.
 - c. Drawing of the boundaries of the property showing dimensions of all sides.
 - d. Provide the acreage of the subject property along with a legal description of the property.
 - e. Identify the Comprehensive Plan future land use and existing zoning of the subject property, and for all properties immediately adjacent to the subject property.
 - f. Identify existing site improvements on the site.
 - g. A list of the uses proposed for the development.
 - h. A typical drawing of an interior lot, corner lot, and cul-de-sac lot, noting setback requirements. For residential development, the typical drawings will show a standard house size with an anticipated accessory structure.

- i. Proposed zoning and development standards (setbacks, FAR, building height, etc.).
- j. Identify proposed phasing on the plan.
- k. Identify proposed buffers.
- l. . Identify access to the site.
- m. Preliminary building lot typical with required yard setbacks and parking lot locations.
- n. Preliminary sidewalk locations.
- o. Proposed parallel access locations.
- p. Show 100-year floodplain on the site.
- q. Show any proposed land or right-of-way dedication.
- r. Identify any proposed parks or open spaces.
- s. A note describing how the construction and maintenance of private roads, parking areas, detention areas, common areas, etc. will be coordinated during development and perpetually after the site is complete.
- t. Architectural renderings or color photos detailing the design features, color pallets, and buffering details.

Analysis: The application **is consistent** with this provision as it was submitted with all required elements.

- 3. LDC Section 4.2.31.F.(3) requires the Development Review Committee (DRC) to make a recommendation for approval, approval with conditions, or denial to the Planning and Zoning Commission and to the Board.

Analysis: The site plan process necessitates that it be submitted through DRC for approval.

- 4. LDC Section 4.2.31.F.(4)(a) requires the final development plan (either entire project or phase), submission, shall include, but not be limited to, a master plan, a major site plan, an improvement plan, a preliminary plat and/or final plat, as deemed necessary for the specific project.

Analysis: The requirements for Master Plan approval will be determined by the Board of County Commissioners.

- 5. LDC Section 4.2.31.F.(4)(b) requires the final development plan to be in accordance with the requirements of the Land Development Code and be considered by the DRC. At the direction of the Board, DRC, or Growth Services Director, the final development plan may be brought back to the Board for final action.

Analysis: Due to completeness and sufficiency issues, staff would not consider this application to be a true PUD Master Plan. As such, staff recommends that the true final PUD development plan be required to come back before the Board of County Commissioners for a final master plan approval if this application is heard and approved by the board.

- The final PUD master plan must be brought back and heard by the Board of County Commissioners for final approval.
6. LDC Section 4.2.31.F.(4)(c) provides if necessary, a final development plan (entire project or phase) may be submitted with the conceptual plan for consideration.

Analysis: Staff finds that a final development plan has not been submitted with the conceptual plan. However, the conceptual plan and accompanying information are sufficient to effectively illustrate the intended characteristics and design features of the proposed PUD. The Board of County Commissioners may request that the Master Plan be submitted at a later date for final approval. Staff finds that the application **is consistent** with this provision.

M. LDC Section 4.2.31.J addresses PUD time limits and provides:

1. The Board may establish time limits for the submittal of a master plan, major site plan, preliminary plat, or final plat for the development of an approved conceptual plan.
2. Any such time limits may be extended by the Board for reasonable periods upon the petition of the developer for an amendment to the conceptual plan and based upon good cause, as determined by the Board; provided that any such extension of time shall not automatically extend the normal expiration date of a building permit, site plan approval, or other development order. If time limits contained in the approved development plan are not completed or not extended for good cause, no additional permits will be approved.
3. Time limits for completion and close-out of master plans, major site plans, preliminary plats, and final plats once approved shall be according to Article 2 of this Code Review and approval procedures.

Analysis: Staff does not recommend the imposition of any conditions to address time limits, as timing is already addressed under LDC Section 4.2.31.L.

N. LDC Section 4.2.31.K addresses PUD amendments.

Analysis: This application is for the initial PUD approval following expiration of the previously approved PUD, and, consequently, this section is not applicable.

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, and make a recommendation to the Board of County Commissioners to **Approve** the rezoning amendment.
- B. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein so

as to support the approval of the Ordinance, and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **Approve with amended conditions** the rezoning amendment.

- C. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed to support a recommendation on the proposed Ordinance, and make a recommendation to the Board of County Commissioners 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 and Zoning Commission (PZC) 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 the Planning & Zoning Commission to **APPROVE** the proposed rezoning because the application:

- A. **May adversely** affect the public interest based upon impacts to the surrounding area;
- B. **Is consistent** with the following Comprehensive Plan provisions
1. FLUE Policy 1.1.1, 1.1.5, 2.1.20, 3.1.2, 4.1.2, 5.1.3, 5.1.4, 6.1.3;
 2. TE 2.1.4, 2.3.2;
 3. SSE 1.1.3, 1.2.1
 4. PWE 1.6.4
 5. SE 1.1.5
- C. **Is compatible** with the surrounding uses, as the request is to expand the existing residential use of the surrounding area.
- D. **Development Conditions:** As recommended in the preceeding staff report, staff recommends approval of the PUD with the following development conditions to ensure satisfaction of the above compliance criteria:
1. The PUD shall comply with the PUD Development Setbacks listed in Table 2 below

TABLE 2. SETBACKS (IN FEET)			
	Location	Proposed	Recommended
	Front	20'	20'
	Rear	10'	10'
	Side	10'	10'

2. The PUD shall comply with the PUD Development Buffers listed in Tables 3 and 4 below and as listed within the buffering plan provided.

TABLE 3. BUFFERS				
Direction	Adjoining Use	Required	Proposed	Recommended
North	Single-Family Residential	D-Type	Modified B-Type	Modified B-Type
South	Single-Family Residential	D-Type	Modified B-Type	Modified B-Type
East	Single-Family Residential	C-Type	Modified B-Type	Modified B-Type
West	Single-Family Residential	D-Type	Modified B-Type	Modified B-Type

3. The PUD shall be limited to a maximum of 50 duplex multi-family units.
4. The PUD shall be developed consistent with the PUD plan provided.
5. The PUD development shall establish and maintain a master property owner association to oversee and manage the development's operation and maintenance of its supporting infrastructure, amenities, and architectural standards. Further, the PUD development shall comply with Marion County LDC Section 6.3.1.F(1) to establish and be subject to a suitable special district [e.g., CDD, other State-recognized government district, or a Marion County established special district (e.g., MSBU and/or MSTU)] and shall not be eligible to seek an LDC Waiver for such establishment. Requirements provided as a result of the approved Impact Statement must be completed prior to the review of this PUD proposal by the Board of County Commissioners.
6. NW 73rd Terrace will be paved from the existing pavement to the site entrance. NW 73rd Terrace extension shall be designed, constructed, and paved to County specifications; a related offsite improvement plan is required.
7. The DRAs will be required to hold the total stormwater runoff volume generated from the 100-year, 24-hour storm event, with no off-site discharge.
8. PUD site must comply with the County's LDC lighting standards that require lighting to be shielded so as not to cast direct lighting off-site, and a photometric plan must be provided during major site plan review to ensure no negative impacts to neighboring parcels.
9. The PUD must meet the LDC requirement of a minimum of 20% improved open space.
10. The final PUD master plan must be brought back and heard by the Board of County Commissioners for final approval unless that Board deems it to be unnecessary.

VIII. PLANNING & ZONING COMMISSION RECOMMENDATION

APPROVAL, 5-1.

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. Rezoning Application.
- B. Site Photos.
- C. DRC Staff Comments.
- D. MCSO Responses
- E. Surrounding Property Owner Map.