



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 9/29/2025	BCC Date: 10/21/2025
Case Number	251007ZC
CDP-AR	33153
Type of Case	Rezoning from General Agriculture (A-1) to Single-Family Dwelling (R-1)
Owner	Mark Hodder, Jacqueline Leavitt, Ray Leavitt, and Mark Leavitt
Applicant	Mark Hodder
Street Address/Site Location	2170 NE 42 nd ST, Ocala, FL 34479
Parcel Number(s)	1581-008-009
Property Size	±0.33 acres
Future Land Use	Medium Residential
Existing Zoning Classification	General Agriculture (A-1)
Overlays Zones/Special Areas	Primary Springs Protection Zone (SSPZ)
Staff Recommendation	Approval
P&Z Recommendation	Approval (on consent)
Project Planner	Sarah D. Wells, Planner II
Related Cases	191104Z from General Agriculture (A-1) to Single-Family Dwelling (R-1) Ordinance 19-26 Approved

I. ITEM SUMMARY

Mark Hodder, filed a rezoning application to change from General Agriculture (A-1) to Single-Family Dwelling (R-1) on July 31, 2025, for a ±0.33-acre parcel with a Parcel Identification Number of 1581-008-009 addressed 2170 NE 42nd St., Ocala, FL, 34479. The application proposes rezoning the parcel to be able to comply with setbacks. The primary residence on this parcel was built in 1981, and no further dwelling units are proposed. The legal descriptions and deeds are contained within the application (Attachment A). The subject property is on the corner of NE 22nd Ave and NE 42nd St., in the Ocala Oaks Subdivision. The overall subdivision is located within the Urban Growth Boundary (UGB) and is also in the Primary Springs Protection Overlay Zone.

Figure 1
General Location Map



II. STAFF SUMMARY RECOMMENDATION

Staff recommends **APPROVAL** of the applicant's request because it is consistent with Land Development Code 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, and that the rezoning is compatible with land uses in the surrounding area.

III. NOTICE OF PUBLIC HEARING

Consistent with Land Development Code (LDC) Section 2.7.3.C., notice of public hearing was mailed to all property owners (20 owners) within 300 feet of the subject property on September 12, 2025. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on September 11, 2025, and consistent with LDC Section 2.7.3.E., due public notice was published in the Ocala Star-Banner on September 15, 2025. Evidence of the above-described public notices are on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received.

IV. ANALYSIS

LDC Section 2.7.3.E.(2) provides that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding that granting the rezoning will not adversely affect the public interest, that the proposed zoning change is consistent with the current Comprehensive Plan, and that it is compatible with land uses in the surrounding area. Staff's analysis of compliance with these three criteria are addressed below.

Figure 2
Close up of parcel



A. *How is the request compatible with surrounding uses?*

Compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Figure 1 is a general location aerial displaying existing and surrounding site conditions.

Figure 3 shows the subject property and all surrounding properties to be designated as Medium Residential (MR).

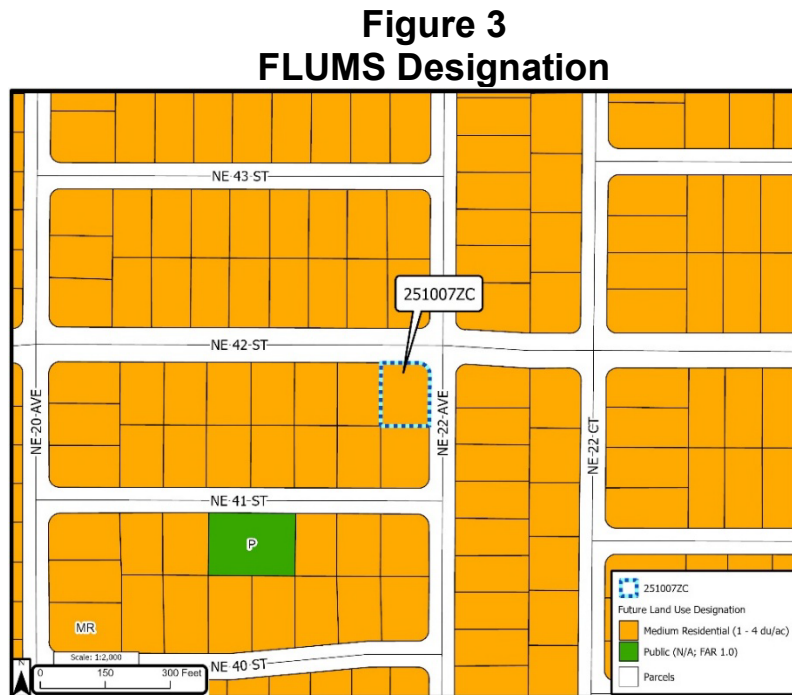


Figure 4 displays the current zoning for the subject properties and the existing zonings of the surrounding properties. The parcels to the north, south, and west are zoned Single Family-Dwelling. While some parcels to the east are zoned General Agriculture (A-1), the dominant zoning in this neighborhood is Single-Family Dwelling, with General Agriculture zoning being an outlier.

Figure 4
Current Zoning Classification

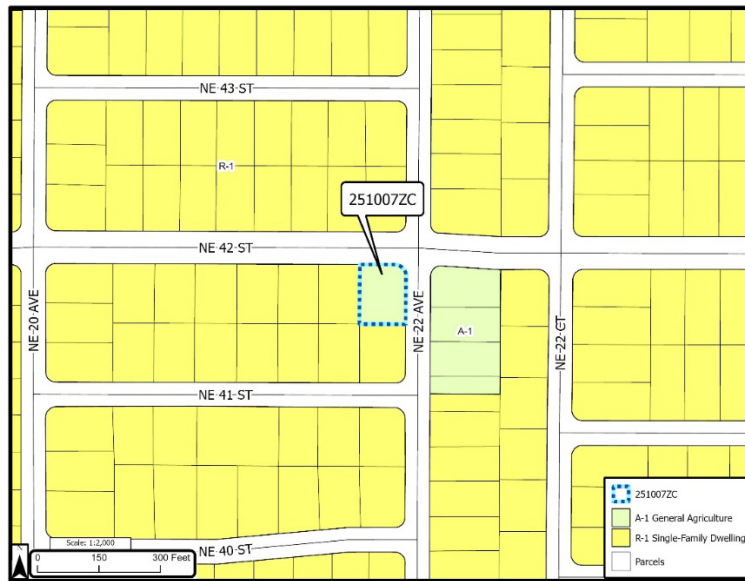


Figure 5 reflects the proposed rezoning request to change the site's zoning classification from A-1 to R-1 in relation to the surrounding zoning districts. The subject properties are part of a recorded subdivision, Ocala Oaks. Throughout the subdivision, all lots have been zoned R-1, with the exception of this small section of A-1 lots (consisting of 5 lots). The property to the south was recently rezoned from A-1 to R-1 to be more consistent with the surrounding area.

Figure 5
Proposed Zoning Classification

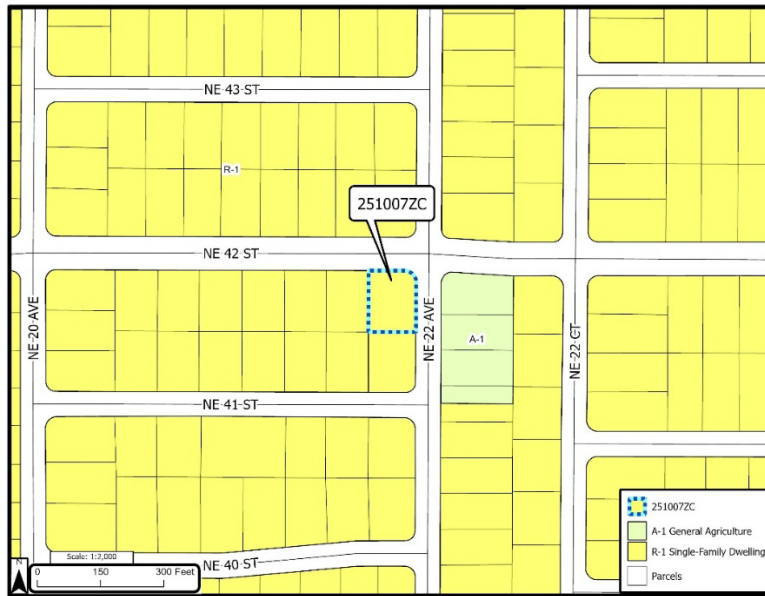


Figure 6 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC). The subject parcel and all surrounding parcels are classified as Single-Family Residential.

Figure 6
Existing Use per Property Appraiser Property Code

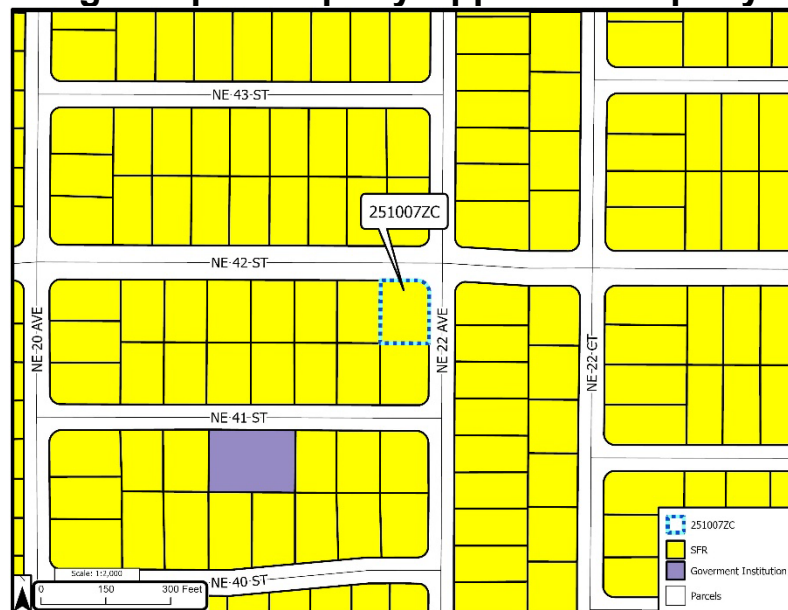


Table A summarizes the existing site and adjacent property characteristics as reflected in prior Figures 3, 4, 5, and 6.

TABLE A. Adjacent Property Characteristics			
Direction	FLUM Designation	Zoning Classification	Existing Use per MCPA Property Code
Site(s)	Medium Residential	Single-Family Dwelling (R-1)	Single-Family Residential
North	Medium Residential	Single-Family Dwelling (R-1)	Single-Family Residential
South	Medium Residential	Single-Family Dwelling (R-1)	Single-Family Residential
East	Medium Residential	General Agriculture (A-1)	Single-Family Residential
West	Medium Residential	Single-Family Dwelling (R-1)	Single-Family Residential

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

B. How does the request affect the public interest?

1. Transportation impacts. These include roadways, public transit, and other mobility features.
 - a. Roadways. The subject property is located on the corner of NE 42nd St. and NE 22nd Ave., a paved Office of the County Engineer (OCE) maintained subdivision local road. The proposed zoning change will not result in an adverse impact from the change to the subject property.
 - b. Public transit. The property is not along any existing transit routes. No transit routes are currently projected to extend to the vicinity of the project.
 - c. Other mobility features. Sidewalks and multi-modal paths do not currently exist along the site's NE 42nd St. frontage or within the Ocala Oaks Subdivision.

Based on the above findings, the rezoning roadway **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 non-residential calculation, the proposed rezoning would result in a potential demand of 360 gallons per day. The property is located within the utility service territory of FGUA. The rezoning will have no effect on Marion County Utilities, it is concluded that **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 proposed rezoning, the potential service demand would be 360 gallons per day. The property is located within the utility service territory of FGUA. The rezoning will have no effect on Marion County Utilities, it is concluded that **sanitary sewer impacts would not adversely affect the public interest.**
4. Solid waste impacts. Solid Waste Element Policy 1.1.1 adopts a LOS standard of 6.2 pounds of solid waste generation per person per day for residential demand. A commercial/industrial level of service standard is not currently in place for Marion County as such operations are required to provide for individual commercial collection wherein disposal within Marion County is alternatively addressed. The proposed zoning change would generate 14.88 pounds of solid waste per day, it is concluded that **solid waste impacts would not adversely affect the public interest.**
5. Recreation. Recreation Element Policy 1.1.1. adopts a level of service standard of two (2) acres per 1,000 persons. Marion County features a variety of federal, state, and local recreation lands satisfying the general level of service standard.
6. Since the proposed zoning change would not increase the residential development allowance of the site, it is concluded that **recreation impacts would not adversely affect the public interest.**
7. Stormwater/drainage. Stormwater Element Policy 1.1.1 adopts varying levels of service standards based on the characteristics of the development site. The site does not include any flood plain or flood prone areas. Development of the site will be required to comply with a 100-year frequency 24-hour duration design storm as the site development proceeds through Marion County's site development review processes. Based on the above, it is concluded **stormwater management effects would not adversely affect the public interest.**
8. Fire rescue/emergency services. The site is within The Anthony Fire Station #1 district, located approximately 2.9 miles to the north of the subject property at 3199 NE 70th St., Ocala. 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, it is concluded the rezoning's **fire rescue/emergency impacts would not adversely affect the public interest.**

9. Law enforcement. The Sheriff's North Multi District Substation, located at 8311 N Hwy 441, Ocala, FL 34475, is ±6.3 miles northwest of the subject property. The Comprehensive Plan does not establish a level of service standard for law enforcement services, but staff has established a 5-mile radius from the subject property as evidence of the availability of such services. Based on the above, it is concluded the rezoning's **law enforcement impacts would not adversely affect the public interest.**
10. Public schools. The proposed rezoning is within the following listed schools with their 2025-20256 enrollment: Oakcrest Elementary (71.72%), Howard Middle (81.3%), and Vanguard High (90.75%). Therefore, the application's public-school impacts **would not adversely affect** the public interest.

In summation, staff concludes **the proposed rezoning would not adversely affect the public interest.**

C. *How is this request consistent with the Comprehensive Plan?*

1. FLUE Policy 2.1.5: The County shall identify permitted and special uses for each land use designation and zoning classification, as further defined in the Comprehensive Plan, Zoning, and LDC.

Analysis: The R-1 zoning classification lists single-family dwellings as a permitted use. The request being made is **consistent** with FLUE Policy 2.1.5 because it is a listed and permitted use in R-1 and does meet the pattern of development based on an adjacent rezoning and general zoning classification as R-1 in this subdivision. See attachment "D" for the ordinance relating to a similar zoning change within the Ocala Oaks Subdivision, and adjacent to the subject property.

2. FLUE Policy 4.1.1 on Consistency between Comprehensive Plan, Zoning, and LDC provides, "The County shall amend and maintain an official land use and zoning map, appropriate land use designations and classifications, and supporting LDC that shall be consistent with each other.

Analysis: The proposed zoning change would be considered consistent with the Comprehensive plan. R-1 zoning classifications can take place within Medium Residential land use. The application is **consistent** with FLUE Policy 4.1.1.

3. FLUE Policy 2.1.18: Medium Residential (MR) land use designation is intended to recognize areas suited for primarily single-family residential units within the UGB, PSAs and Urban Area. This land use designation is Urban Area land use.

Analysis: The request being made is **consistent** with FLUE Policy 2.1.18 because R-1 zoning is intended to be used within the Medium Residential land use, whereas the current A-1 zoning is not compatible with the current land use.

In summation, staff concludes the rezoning is consistent with the Comprehensive Plan, is compatible with the surrounding area, and will not adversely affect the public interest as listed in Land Development Code (LDC) Section 2.7.3.E.(2).

V. ALTERNATIVE ACTIONS

- A. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to **DENY** 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 a recommendation for the approval of the Ordinance, and make a recommendation to adopt a proposed Ordinance to **APPROVE** 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 **TABLE** the application for up to two months in order to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

VI. STAFF RECOMMENDATION

Staff recommends the 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 Board of County Commissioners to **APPROVE** the proposed rezoning because the application:

- A. Will not adversely affect the public interest because the proposed change does not increase the intensity or density of the subject parcel.

- B. Is consistent with the Comprehensive Plan provisions because it is in conformance with FLUE Policies 2.1.5, 4.1.1, and 2.1.18.
- C. Is compatible with the surrounding uses because the proposed rezoning would better match with surrounding parcels.

VII. PLANNING & ZONING COMMISSION RECOMMENDATION

Approval (on consent)

VIII. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined.

IX. LIST OF ATTACHMENTS

- A. Application Package
- B. Site and Area Photographs
- C. DRC Comments
- D. Ordinance 19-26, Related Rezoning Case