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February 16, 2023

VIA E-MAIL AND U.S. MAIL

Mr. William Sexton, Esq.
City Attorney
City of Ocala
151 SE Osceola Ave.
Ocala, FL 34471

Re: Defective Notices Regarding the West Oak PD

Dear Mr. Sexton,

This firm represents Trademark Metals Recycling, LLC (“TMR”), who owns and operates a metal recycling facility approximately 650 feet east of the West Oak PD. The facility is located in unincorporated Marion County. However, TMR also owns several adjacent parcels that are located within the City of Ocala, including Parcels 2142-004-001, 002, and 003. As such, TMR (and any other affected resident, citizen or property owner in the City) has standing to seek to void improperly noticed ordinances that may be adopted by the City.¹

The West Oak PD is the subject of several applications being considered for final action by the City Council on February 21, 2023. Among them is a proposed resolution that would amend the West Oak PD to allow for an additional 932 residential units and an increased building height to 75 feet (from 50 feet currently).

As explained in more detail during the Planning & Zoning Commission hearing on January 9, 2023, TMR has serious concerns regarding the current-approved West Oak PD, including, but not limited to, the incompatibility of the primarily-residential PD with TMR’s industrial operations. The changes that are proposed to the West Oak PD greatly exacerbate those concerns.

¹ *Renard v. Dade County*, 261 So. 2d 832 (Fla. 1972) (providing that, where there is a defect in notice, “[a]ny affected resident, citizen or property owner of the governmental unit in question has standing to challenge such an ordinance”)

Although TMR and the developer of the West Oak PD have been in discussions for several months now, so far they have been unable to resolve their differences. This has led TMR to turn its attention to the validity of the existing and proposed approvals that apply to the West Oak PD.

Along those lines, it has come to our attention that the notice for the original rezoning for the West Oak PD appears to have been defective. Ordinance 2021-23, which changed the zoning for the West Oak property from GU (Government Use) to PD (Planned Development), was adopted by the City on February 2, 2021.² According to the enclosed hearing materials, the City of Ocala was the applicant for Ordinance 2021-23.³

Section 166.041(3)(c), Florida Statutes, sets forth the notice requirements that apply when an ordinance proposes to change the actual zoning map designation of land involving 10 or more acres and is initiated by a municipality. Among other things, it requires two separate advertisements that are no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement must be in a type no smaller than 18 point. The advertisement may not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisements are required to be in substantially the following form:

NOTICE OF (TYPE OF) CHANGE

The (name of local governmental unit) proposes to adopt the following ordinance:
(title of the ordinance). A public hearing on the ordinance will be held on (date and time) at (meeting place).

In addition, the advertisement must contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map must include major street names as a means of identification of the general area.

The notice for Ordinance 2021-23 is enclosed.⁴ The notice fails to contain the map and other information required by Section 166.041(3)(c), Florida Statutes. In addition, it appears the notice was advertised only once (*i.e.*, on January 22, 2021, per Legal Ad No. A000976631). As you are aware, strict compliance with the notice requirements of the state statute is a jurisdictional and mandatory prerequisite to the valid enactment of a zoning measure.⁵ Failure to strictly comply

² A copy of Ordinance 2021-23 is attached as **Exhibit A**.

³ The hearing materials are attached as **Exhibit B**. It appears the City was the owner of the West Oak property, a former municipal golf course, when Ordinance 2021-23 was adopted. This may explain why the City was the applicant for the rezoning.

⁴ **Exhibit C**.

⁵ Ellison v. City of Fort Lauderdale, 183 So. 2d 193 (Fla. 1966).

with the statute renders the ordinance void *ab initio*.⁶ That Ordinance 2021-23 was purportedly enacted more than two years ago does not save it from being invalid.⁷

Next Tuesday, the City Council is scheduled to take final action on a Chapter 163 Development Agreement proposed by West Oak. Although it would be premature for the City to take action on the proposed agreement before the underlying land has been properly zoned, it is worth noting that the notice published by the City for the agreement appears to be defective too. Per Section 163.3225(2)(b), Florida Statutes:

The notice [for a Chapter 163 Development Agreement] **shall specify** the location of the land subject to the development agreement, **the development uses proposed on the property, the proposed population densities, and the proposed building intensities and height** and shall specify a place where a copy of the proposed agreement can be obtained. [Emphasis added.]

The notice for the Development Agreement is enclosed.⁸ The notice fails to contain the information required under Section 163.3225(2)(b), Florida Statutes, because it omits the proposed uses, densities, and building intensities and height. As mentioned, strict compliance with the notice requirements of the state statute is a jurisdictional and mandatory prerequisite to the valid enactment of a zoning measure.

Due to the apparent defects associated with the proposed Chapter 163 Development Agreement and Ordinance 2021-23, which ordinance relates to the original rezoning of the West Oak property from GU to PD and serves as the foundation for all subsequent applications related to the West Oak property, we urge the City to postpone taking any action on the applications that are currently pending with the City for West Oak until such time as the notices can be corrected and made to comply with Florida law.

Sincerely,



Christopher Paul Roper

⁶ *Daytona Leisure Corp. v. City of Daytona Beach*, 539 So.2d 597 (Fla. 5th DCA 1989).

⁷ See Section 166.041(7), F.S., which states in pertinent part: “**Five years** after the adoption of any ordinance or resolution adopted after the effective date of this act, no cause of action shall be commenced as to the validity of an ordinance or resolution based on the failure to strictly adhere to the provisions contained in this section.” (Emphasis added.)

⁸ **Exhibit D.**

Mr. William Sexton, Esq.

February 16, 2023

Page 4

cc: Mr. Tye Chighizola, Growth Management Director
Mr. Aubrey Hale, Deputy Director Planning
Mr. Tim Haines, Esq. (attorney for developer)

EXHIBIT A

ORDINANCE 2021-23

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF OCALA, FLORIDA, CHANGING FROM GU, GOVERNMENTAL USE, TO PD, PLANNED DEVELOPMENT, FOR CERTAIN PROPERTY LOCATED AT 2201 NW 21ST STREET (PARCELS 21382-001-00, 21385-000-00, 21385-001-00, 21418-000-00, 21387-000-00, & 21387-001-00 CONTAINING APPROXIMATELY 216 ACRES) OCALA, FLORIDA (CASE NO. PD20-0004); PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA, in regular session, as follows:

Section 1. The following described lands are hereby rezoned and reclassified according to the zoning regulation of the City of Ocala, Florida, as PD, Planned Development:

A PORTION OF THE SOUTHWEST 1/4 OF NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 15 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 14, THENCE SOUTH 89°28'38" EAST ALONG THE SOUTH BOUNDARY OF SAID NORTHWEST 1/4, 191.82 FEET TO THE CENTERLINE OF INTERSTATE HIGHWAY NO. 75, THENCE SOUTH 0°31'12" WEST ALONG SAID CENTERLINE 16.94 FEET TO THE POINT OF INTERSECTION OF SAID CENTERLINE WITH THE CENTERLINE OF STATE ROAD NO. 40, THENCE SOUTH 89°41'48" EAST ALONG SAID STATE ROAD 40 CENTERLINE 821.88 FEET, THENCE NORTH 0°31'12" EAST, 53.75 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD, FOR THE POINT OF BEGINNING, THENCE NORTH 0°31'12" EAST 250.00 FEET, THENCE NORTH 89°41'48" WEST 150.00 FEET, THENCE NORTH 0°31'12" EAST 816.54 FEET TO A POINT THAT IS 80.00 FEET SOUTHERLY OF AND AT RIGHT ANGLE TO THE CENTERLINE OF THE ATLANTIC COAST LINE RAILROAD, THENCE SOUTH 78°11'52" WEST PARALLEL WITH SAID CENTERLINE 477.85 FEET, THENCE NORTH 11°37'34" WEST 45.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID RAILROAD, SAID POINT BEING 35.00 FEET FROM AND AT RIGHT ANGLE TO SAID RAILROAD CENTERLINE, THENCE NORTH 78°11'52" EAST ALONG SAID RAILROAD RIGHT-OF-WAY LINE 149.37 FEET, THENCE SOUTH 11°48'08" EAST, PERPENDICULAR TO SAID CENTERLINE, 25.00 FEET, THENCE NORTH 78°11'52" EAST ALONG SAID RAILROAD RIGHT-OF-WAY LINE 804.95 FEET TO THE EAST BOUNDARY OF THE SOUTHWEST 1/4 OF NORTHWEST 1/4 OF SAID SECTION,

THENCE SOUTH 0°31'59" WEST ALONG SAID EAST BOUNDARY 1186.05 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SR 40 THAT IS NORTH 0°31'59" EAST 40.48 FEET FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 OF NORTHWEST 1/4, THENCE NORTH 89°41'48" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD, 311.10 FEET TO THE POINT OF BEGINNING,

LESS AND EXCEPT [LESS & EXCEPT NO. 1]: A PARCEL OF LAND LYING IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 15 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 15 SOUTH, RANGE 21 EAST; THENCE S. 0°06'01" W., ALONG THE EAST BOUNDARY OF SAID NORTHEAST 1/4 OF NORTHWEST 1/4, 355.86 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF CSX TRANSPORTATION RAILROAD (FORMERLY ATLANTIC COASTLINE RAILROAD AND BEING 120 FEET WIDE) AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE ALONG SAID EAST BOUNDARY, 1101.63 FEET TO A POINT THAT LIES 75 FEET NORTH OF THE SOUTHEAST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE N. 89°33'50" W., PARALLEL WITH THE SOUTH BOUNDARY OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, 105.00 FEET; THENCE N. 0°06'01" E., PARALLEL WITH THE AFOREMENTIONED EAST BOUNDARY OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, 25.00 FEET; THENCE N. 89°33'50" W., PARALLEL WITH THE AFOREMENTIONED SOUTH BOUNDARY OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, 1217.84 FEET TO A POINT ON THE WEST BOUNDARY OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, SAID POINT LYING 100 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE N. 0°08'23" E., ALONG THE WEST BOUNDARY OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, 1392.54 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NORTHWEST 35TH STREET, SAID SOUTH RIGHT-OF-WAY LINE LYING 30 FEET SOUTH OF THE NORTH BOUNDARY OF SAID SECTION 1; THENCE S. 89°59'42" E., ALONG SAID SOUTH RIGHT-OF-WAY LINE, 1207.93 FEET TO THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF CSX TRANSPORTATION RAILROAD; THENCE S. 19°10'49" E., ALONG SAID RIGHT-OF-WAY LINE, 345.02 FEET TO THE POINT OF BEGINNING. BEARINGS BASED ON THE NORTH BOUNDARY OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 15 SOUTH, RANGE 21 EAST, ASSUMED TO BEAR S. 89°59'42" EAST. LESS AND EXCEPT: THOSE LANDS DESCRIBED IN BOOK 5690, PAGE 909.

AND

THE SE 1/4 OF THE NW 1/4 AND THE SOUTH 100 FEET OF THE NE 1/4 OF THE NW 1/4; EXCEPT THE NORTH 25 FEET OF THE EAST 105 FEET THEREOF, IN SECTION 1, TOWNSHIP 15 SOUTH, RANGE 21 EAST, LYING AND BEING IN MARION COUNTY, FLORIDA.

AND

THE SW 1/4 OF THE NW 1/4; THE N 1/2 OF THE NW 1/4 OF THE NW 1/4 OF THE SW 1/4; THE NE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF THE SW 1/4, IN SECTION 1, TOWNSHIP 15 SOUTH, RANGE 21 EAST, LYING AND BEING IN MARION COUNTY, FLORIDA. LESS AND EXCEPT: ROAD RIGHT OF WAY IN BOOK 1002, PAGE 649 AND BOOK 1003, PAGE 1917, PUBLIC RECORDS OF MARION COUNTY, FLORIDA.

AND

THE EAST HALF OF SW 1/4 OF SECTION 1, TOWNSHIP 15 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA. LESS AND EXCEPT: ROAD RIGHT OF WAY IN DEED BOOK 333, PAGE 14, PUBLIC RECORDS OF MARION COUNTY, FLORIDA.

AND

THAT PORTION OF BLOCK J, HOME ACRES SUBDIVISION, LYING SOUTH AND WEST OF THE ATLANTIC COAST LINE RAILROAD RIGHT OF WAY, BEING IN THE NORTH 1/2 OF THE NORTH 1/2 OF THE NE 1/4 OF SECTION 1, TOWNSHIP 15 SOUTH, RANGE 21 EAST, AS PER PLAT OF SAID SUBDIVISION RECORDED IN PLAT BOOK "D", PAGE 5, IN THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.

AND

COMMENCING AT THE S.W. CORNER OF THE N.W. 1/4 OF THE N.W. 1/4 OF SECTION 1, TOWNSHIP 15 SOUTH, RANGE 21 EAST, AND PROCEED S. 89°05'31" E., ALONG THE SOUTH BOUNDARY LINE OF THE SAID N.W. 1/4 OF THE N.W. 1/4, A DISTANCE OF 30.00 FEET TO A CONCRETE MONUMENT ON THE EAST RIGHT-OF-WAY LINE OF N.W. 27TH AVENUE (BEING 60 FEET WIDE), SAID POINT BEING THE POINT-OF-BEGINNING OF TRACT NO. 1 AS DESCRIBED HEREIN; THENCE CONTINUE S. 89°05'31" E., ALONG SAID SOUTH BOUNDARY LINE OF N.W. 1/4 OF N.W. 1/4, A DISTANCE OF 1294.41 FEET TO A CONCRETE MONUMENT AT THE S.E. CORNER OF THE SAID N.W. 1/4 OF N.W. 1/4; THENCE N. 00°27'59" E., ALONG THE EAST BOUNDARY LINE OF SAID N.W. 1/4 OF N.W. 1/4, A DISTANCE OF 431.40 FEET TO A CONCRETE MONUMENT ON THE NORTH BOUNDARY LINE OF A 100 FOOT WIDE

FLORIDA POWER CORPORATION EASEMENT; THENCE S. 87°14'01" W., ALONG SAID NORTH BOUNDARY LINE, A DISTANCE OF 1296.30 FEET TO A CONCRETE MONUMENT ON THE AFORESAID EAST RIGHT-OF-WAY LINE OF N.W. 27TH AVENUE; THENCE S. 00°29'23" W., ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 348.33 FEET TO A CONCRETE MONUMENT AT THE POINT-OF-BEGINNING. SAID TRACT NO. 1 LYING AND BEING SITUATE IN MARION COUNTY, FLORIDA. SAID TRACT NO. 1 BEING SUBJECT TO A 100 FOOT WIDE FLORIDA POWER CORPORATION EASEMENT ALONG THE NORTH BOUNDARY THEREOF.

AKA PARCELS 21382-001-00, 21385-000-00, 21385-001-00, 21418-000-00, 21387-000-00, & 21387-001-00 CONTAINING APPROXIMATELY 216 ACRES.

Section 2. The zoning map of the City of Ocala is hereby amended to reflect the change in zoning classification from GU, Governmental Use, to PD, Planned Development, as to lands described in Section 1 of this ordinance.

Section 3. Severability Clause. Should any provision or section of this ordinance be held by a Court of Competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall take effect upon approval by the Mayor, or upon being law without such approval.

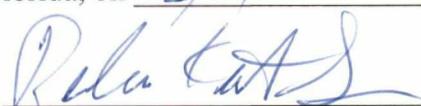
ATTEST:

By: 
Angel B. Jacobs
City Clerk

CITY OF OCALA

By: 
Justin Grabelle
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on 24, 2021.

By: 
Reuben Kent Guinn
Mayor

Approved as to form and legality:

By: 

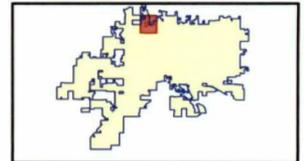
Robert W. Batsel, Jr.
City Attorney

Ordinance No: 2021-23
Introduced: 1/19/2021
Adopted: 2/2/2021
Legal Ad No: A000976631 - 1/22/21

**ZONING CASE MAP
ORDINANCE 2021-23**

P&Z MEETING: 1/11/2001

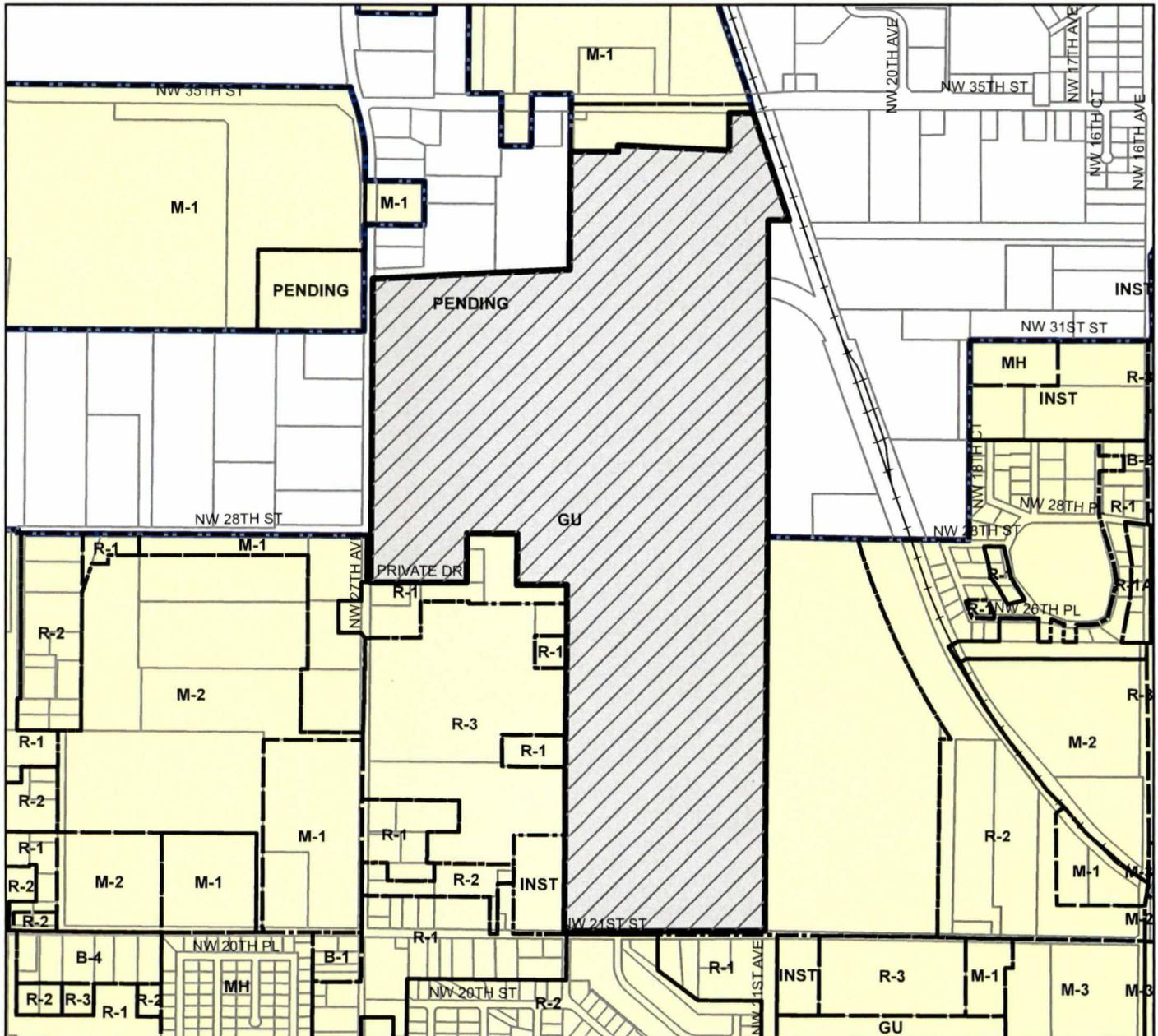
LOCATION MAP



SEC 1 TWP 15 RNG 21

CASE NUMBER: PD20-0004
PARCEL NUMBER: 21387-000-00, 21387-001-00, 21418-000-00, 21358-000-00,
 21385-001-00 & 1382-001-00
PROPERTY SIZE: APPROX 216 ACRES
EXISTING LANDUSE: MEDIUM INTENSITY/SPECIAL DISTRICT
PROPOSED: CHANGE ZONING FROM GU, GOVERNMENTAL USE TO PD,
 PLANNED DEVELOPMENT AND TO APPROVE THE
 PD PLAN

500



Plotted: 12/14/20 ds

ZONING MAP

Legend

- Zoning Project
- Zoning Boundary
- Parcels
- City Limits

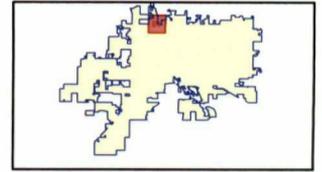
**ZONING CASE MAP
ORDINANCE 2021-23**

**P&Z MEETING: 1/11/2001
LOCATION MAP**

PD20-0004

CASE NUMBER: 21387-000-00, 21387-001-00, 21418-000-00, 21358-000-00,
PARCEL NUMBER: 21385-001-00 & 1382-001-00
APPROX 216 ACRES

PROPERTY SIZE: MEDIUM INTENSITY/SPECIAL DISTRICT
EXISTING LANDUSE: CHANGE ZONING FROM GU, GOVERNMENTAL USE TO PD,
PROPOSED: PLANNED DEVELOPMENT AND TO APPROVE THE PD PLAN



SEC 1 TWP 15 RNG 21

500



Feet



Plotted: 12/4/20 ds

Florida Department of Transportation

CITY OF OCALA

Meeting Date: 1/11/2021

PLANNING & ZONING COMMISSION REPORT

Subject: Zoning Change & PD Plan

Submitted by: David Boston

Department: Growth Management

STAFF RECOMMENDATION (Motion Ready): Recommend approval for a zoning change from GU, Governmental Use, to PD, Planned Development, and of the associated PD plan including PD standards for approximately 216 acres of property located south of NW 35th Street, east of NW 27th Avenue, north of NW 21st Street, and west of railroad (Case PD20-0004).

OCALA'S RELEVANT STRATEGIC GOALS: Economic Hub; Quality of Place

BACKGROUND:

- Applicant: City of Ocala
- Property Owner: City of Ocala
- The West Oak PD plan facilitates redevelopment of the property that formerly included the Pine Oaks Golf Course into a mixed-income residential community with a variety of recreational amenities and some neighborhood-serving commercial uses along NW 35th Street.
- There is a need for more housing development in the city, especially affordable housing and especially considering the recent increase in employment opportunities that resulted from the development of major distribution centers on NW 35th Avenue Road and NW 35th Street.
- The City Redevelopment Agreement for Pine Oaks requires that 20 percent of the units constructed are affordable housing units, as defined in the agreement.
- Residential units on this property will be ideally located near that employment center and excellent existing and future recreational amenities, such as the wetland groundwater recharge park, the proposed community center at Reed Place, and Lillian Bryant Park.
- The West Oak PD plan includes 386 single-family residential lots, 832 multifamily residential units, 150 townhomes, and approximately 70,000 square feet of commercial space.
- The future land use classification of Medium Intensity/Special District requires a minimum density of five dwelling units per acre and a maximum density of 30 dwelling units per acre. This PD plan proposes close to six dwelling units per acre, thereby meeting the density requirements of the comprehensive plan and furthering progress towards the goals of the Pine Oak Square Main Street district envisioned in the West Ocala Vision & Community Plan.

FINDINGS AND CONCLUSIONS: The requested zoning designation of PD, Planned Development, is consistent with the Medium Intensity/Special District future land use designation and the Comprehensive Plan. Staff recommend approval.

FISCAL IMPACT: N/A

PROCUREMENT REVIEW: N/A

EXHIBIT B
(page 2 of 3)

Ocala Planning and Zoning Commission Meeting Minutes

January 11, 2021

Planned Development

Approved PD20-0004 a request to change zoning from GU, Governmental Use to PD, Planned Development and to approve the PD plan, for property (former Pine Oaks Golf Course) located south of NW 35th Street, east of NW 27th Avenue, north of NW 21st Street and west of CSX railroad, approximately 216 acres.

Petitioner: City of Ocala

Planner: David Boston

Mr. Boston displayed maps and photos of the property and adjacent properties to the audience while providing staff comments and the following findings of fact [included in a staff report provided to Commission members]:

Background

- The West Oak PD plan facilitates redevelopment of the property that formerly included the Pine Oaks Golf Course into a mixed-income residential community with a variety of recreational amenities and some neighborhood-serving commercial uses along NW 35th Street.
- There is a need for more housing development in the city, especially affordable housing and especially considering the recent increase in employment opportunities that resulted from the development of major distribution centers on NW 35th Street Road and NW 35th Street.
- The City Redevelopment Agreement for Pine Oaks requires that 20 percent of the units constructed are affordable housing units, as defined in the agreement.
- Residential units on this property will be ideally located near that employment center and excellent existing and future recreational amenities, such as the wetland groundwater recharge park, the proposed community center at Reed Place, and Lillian Bryant Park.
- The West Oak PD plan includes 386 single-family residential lots, 832 multifamily residential units, 150 townhomes, and approximately 70,000 square feet of commercial space.
- The future land use classification of Medium Intensity/Special District requires a minimum density of five dwelling units per acre and a maximum density of 30 dwelling units per acre. This PD plan proposes close to six dwelling units per acre, thereby meeting the density requirements of the comprehensive plan and furthering progress towards the goals of the Pine Oak Square Main Street district envisioned in the West Ocala Vision & Community Plan.

Factual Support

1. The proposed PD zoning is consistent with the following Policies of the City of Ocala Comprehensive Plan:

Future Land Use Element, Policy 6.2: Medium Intensity/Special District: The intent of this category is to identify neighborhood and community-serving activity centers, generally represented as “Medium Low” or “Medium High” on the Ocala 2035 Vision. The Medium Intensity/Special District category facilitates developments with two (2) or more uses. Permitted uses include residential, office, commercial, public, recreation,

CITY OF OCALA

CITY COUNCIL REPORT

Council Meeting Date: 02/02/21

Subject: Zoning Change

Submitted By: David Boston

Department: Growth Management

STAFF RECOMMENDATION (Motion Ready): Adopt Ordinance 2021-23 zoning change from GU, Governmental Use, to PD, Planned Development, for approximately 216 acres of property located south of NW 35th Street, east of NW 27th Avenue, north of NW 21st Street, and west of railroad (Case PD20-0004) (Quasi-Judicial)

OCALA’S RELEVANT STRATEGIC GOALS: Economic Hub, Quality of Place

PROOF OF PUBLICATION: Published in the Ocala Star Banner on December 23, 2020 (P&Z ad).

BACKGROUND:

- Applicant: City of Ocala
- Property Owner: City of Ocala
- The West Oak PD plan facilitates redevelopment of the property that formerly included the Pine Oaks Golf Course into a mixed-income residential community with a variety of recreational amenities and some neighborhood-serving commercial uses along NW 35th Street.
- There is a need for more housing development in the city, especially affordable housing and especially considering the recent increase in employment opportunities that resulted from the development of major distribution centers on NW 35th Avenue Road and NW 35th Street.
- The City Redevelopment Agreement for Pine Oaks requires that 20 percent of the units constructed are affordable housing units, as defined in the agreement.
- Residential units on this property will be ideally located near that employment center and excellent existing and future recreational amenities, such as the wetland groundwater recharge park, the proposed community center at Reed Place, and Lillian Bryant Park.
- The West Oak PD plan includes 386 single-family residential lots, 832 multifamily residential units, 150 townhomes, and approximately 70,000 square feet of commercial space.
- The future land use classification of Medium Intensity/Special District requires a minimum density of five dwelling units per acre and a maximum density of 30 dwelling units per acre. This PD plan proposes close to six dwelling units per acre, thereby meeting the density requirements of the comprehensive plan and furthering progress towards the goals of the Pine Oak Square Main Street district envisioned in the West Ocala Vision & Community Plan.

FINDINGS AND CONCLUSIONS: The requested zoning designation of PD, Planned Development, is consistent with the Medium Intensity/Special District future land use designation and the Comprehensive Plan. Staff recommend approval.

FISCAL IMPACT: N/A

PROCUREMENT REVIEW: N/A

EXHIBIT C

Ocala Gainesville Media
CLASSIFIED ADVERTISING

2700 SW 13th Street, Gainesville, FL 32608
 352-372-4222 fax 352-338-3131

2121 SW 19th Ave. Rd., Ocala, FL 34474
 352-732-9565 fax: 352-867-4126

Order:	A000976631	Pubs:	1,11	Rate:	LG
Phone:	(352)629-8258	Class:	0001	Charges:	\$ 0.00
Account:	671071	Start Date:	01/22/2021	List Price:	\$ 213.00
Name:	ROSEANN FUSCO,	Stop Date:	01/22/2021	Payments:	\$ 0.00
Caller:	CITY OF OCALA	Insertions:	2	Balance:	\$ 213.00
Taken By:	G046	Columns:	1	Lines:	100
Schedule:	1/22 1x, 1/22 1x, , ,			Taken On:	01/15/2021

NOTICE OF PUBLIC HEARING

The Ocala City Council has introduced the following ordinance(s) and will consider its adoption at the regular meeting to be held on February 2, at 5:00 p.m.) in City Hall, 2nd Floor, Council Chamber, 110 SE Watula Avenue, Ocala, Florida and Via Zoom <https://zoom.us/j/446885807>. Interested parties are invited to appear at the meeting and be heard with respect to the proposed legislation. Copies of the proposed documents may be inspected in advance at the office of the City Clerk, Ocala City Hall.

Any person who decides to appeal any decision of the Ocala City Council with respect to any matter considered at this meeting will need a record of the proceedings, and for such purposes, may need to ensure that a verbatim record of the proceedings is made.

If reasonable accommodations are needed for you to participate in this meeting, please call 48 hours in advance so arrangements can be made through the City Clerk's office at 352-629-8266.

ORDINANCE 2021-21

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING CHAPTER 70, "UTILITIES", ARTICLE V, "FEES, RATES AND CHARGES," DIVISION 2, "WATER AND SEWER IMPACT FEES"; AMENDING SECTION 70-501, "DEFINITIONS" TO AMEND THE DEFINITION OF "EQUIVALENT SINGLE-FAMILY RESIDENTIAL UNIT"; AMENDING SECTION 70-502, "IMPACT FEE IMPOSED," PROVIDING FOR AMENDED (E) AMOUNT TABLE (1), (2), AND (3) B.; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2021-22

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING CHAPTER 70, "UTILITIES"; AMENDING SECTION 70-411(a) "CONNECTION CHARGES - CHARGE FOR SETTING METER" PROVIDING FOR REVISED SCHEDULES FOR RESIDENTIAL AND COMMERCIAL SEWAGE RATE CHARGES AND EFFECTIVE DATES TO BE SET BY SEPARATE CITY COUNCIL RESOLUTION; AMENDING SECTION 70-413, "TEMPORARY WATER SERVICE" PROVIDING FOR REVISED DEPOSITS FOR HYDRANT METERS OR JUMPER METERS; CREATING SECTION 70-414, ENTITLED "CHARGE FOR TESTING WATER METERS" PROVID-

ING FOR A FEE TO BE CHARGED FOR TESTING WATER METERS AT A CUSTOMER'S REQUEST; AMENDING SECTION 70-473, "CHARGE FOR TESTING WATER OR ELECTRIC METERS" TO ELIMINATE ITS APPLICABILITY TO WATER METERS AND RESTRICT ITS APPLICATION TO ELECTRIC METERS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2021-23

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF OCALA, FLORIDA, CHANGING FROM GU, GOVERNMENTAL USE, TO PD, PLANNED DEVELOPMENT, FOR CERTAIN PROPERTY LOCATED AT 2201 NW 21ST STREET (PARCELS 21382-001-00, 21385-000-00, 21385-001-00, 21418-000-00, 21387-000-00, & 21387-001-00 CONTAINING APPROXIMATELY 216 ACRES) OCALA, FLORIDA (CASE NO. PD20-0004); PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

January 22, 2021
 #A000976631

Attention: _____ Fax: _____

This is a final proof. If any information is incorrect, please contact your sales representative prior to the deadline of the first insertion. Otherwise your order is accepted as having been approved.



EXHIBIT D

Monday, January 09, 2023

5:30 P.M.

**(or, as soon thereafter as possible)
City Hall City Council Chambers (2nd
Floor) 110 SE Watula Avenue**

**NOTICE OF PUBLIC HEARING
OCALA PLANNING & ZONING
COMMISSION AND NOTICE OF
INTENT TO CONSIDER A
CONCURRENCY DEVELOPMENT
AGREEMENT
(CDA22-45035)
(WEST OAK, LLC)
(Pursuant to Sections 163.3220
- 163.3243, Florida Statutes)**

The Ocala Planning & Zoning Commission will hold a first public hearing on Monday, January 09, 2023, to consider a Concurrency Development Agreement (CDA22-45035) to be entered into pursuant to Sections 163.3220 through 163.3243, inclusive, Florida Statutes, between the City of Ocala (City) and West Oak, LLC. The public hearing will start at 5:30 PM, or as soon thereafter as possible, and will be held at the Ocala City Hall - City Council Chambers (2nd Floor), 110 SE Watula Avenue, Ocala, Florida. The second and final public hearing will be held by City Council on Tuesday, February 21, 2023, at 4:00 pm. Interested parties may appear at the meeting and be heard regarding their opinion of the proposed Concurrency Development Agreement.

The property is approximately 213.2 acres located south of NW 35th Street, east of NW 27th Avenue, north of NW 21st Street and west of CSX railroad. (Parcels #21385-001-01, 21418-000-00, 21387-000-00, 21387-001-00, 21382-001-00, 21385-001-00, and 21385-000-00). The location of the property is further shown on the following map:

