



## Legislation Details (With Text)

<b>File #:</b>	ORD-2024-44		
<b>Type:</b>	Ordinance	<b>Status:</b>	Agenda Ready
<b>File created:</b>	6/11/2024	<b>In control:</b>	City Council
<b>On agenda:</b>	7/2/2024	<b>Final action:</b>	
<b>Title:</b>	Introduce Ordinance 2024-44 to rezone approximately 0.93 acres for property located at 1703 and 1713 NE Eighth Road (Parcel 26020-000-00 and 26018-000-00) from M-1, Light Industrial, to B-2, Community Business (Case ZON24-45638) (Quasi-Judicial)		
<b>Sponsors:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. ZON24-45638 Memo, 2. ZON24-45638 Staff Report, 3. ZON24-45638 Case Map, 4. ZON24-45638 Aerial Map		

Date	Ver.	Action By	Action	Result
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Submitted By: Endira Madraveren

Presentation By: Endira Madraveren

Department: Growth Management

### STAFF RECOMMENDATION (Motion Ready):

Introduce Ordinance 2024-44 to rezone approximately 0.93 acres for property located at 1703 and 1713 NE Eighth Road (Parcel 26020-000-00 and 26018-000-00) from M-1, Light Industrial, to B-2, Community Business (Case ZON24-45638) (Quasi-Judicial)

### OCALA'S RELEVANT STRATEGIC GOALS:

Quality of Place

### PROOF OF PUBLICATION:

N/A

### BACKGROUND:

- Petitioner: METTA Property Holdings, LLC & Lawrence Stuck
- Property Owner: METTA Property Holdings, LLC & Lawrence Stuck
- Agent: Joseph Shahadey

As a result of a pre-application meeting with staff, a rezoning request was made to permit the use of a physical fitness center and massage therapy, along with the continuation of a single-family residence on the subject properties. The subject properties were developed as single-family residences in the 1950s. The property to the

south at 1703 NE Eighth Road has previously been utilized for commercial uses, but the property to the north at 1713 NE Eighth Road has historically been used as a single-family residence. Overall, the NE Eighth corridor continues to be a mix of residential, business, and industrial-related uses.

The existing M-1 zoning district does not allow for a single-family residential dwelling, a physical fitness center, or a hairstyling shop. The proposed B-2, Community Business zoning district allows a range of commercial uses while also allowing a single-family residential dwelling. The requested B-2 zoning district and existing land use designation are consistent with Section 122-244 of the code of ordinances and with the intended future use of the property.

On June 10, 2024, the Planning and Zoning Commission unanimously approved the request by a 5-0 vote. During the session, the board raised a question about the choice of the B-2 zoning district, considering the adjacency of the B-4, General Business zoning district to the subject properties. In response, staff clarified that the B-2 zoning district was chosen to allow the single-family residence to remain without creating a nonconforming use. Furthermore, the surrounding area, within approximately 1,000 feet, is predominantly zoned as B-2 and R-3, Multi-Family, further justifying the choice of the B-2 zoning district.

**FINDINGS AND CONCLUSIONS:** The requested B-2, Community Business, is consistent with the comprehensive plan, the requested Low-Intensity future land use classification, and will not adversely affect the health, safety, convenience, prosperity, or general welfare of the community. The proposed B-2 zoning is consistent and compatible with the surrounding area. Staff recommends approval.

**FISCAL IMPACT:** N/A

**PROCUREMENT REVIEW:** N/A

**LEGAL REVIEW:** The ordinance is pending review by the City Attorney, William E. Sexton.

**ALTERNATIVE:**

- Approve with changes
- Deny
- Table

## **ORDINANCE 2024-44**

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF OCALA, FLORIDA, CHANGING FROM M-1, LIGHT INDUSTRIAL, TO B-2, COMMUNITY BUSINESS, FOR THE PROPERTIES LOCATED AT 1703 AND 1713 NE 8<sup>TH</sup> ROAD (PARCELS 26020-000-00 AND 26018-000-00), APPROXIMATELY 0.93 ACRES (CASE NO. ZON24-45638); PROVIDING DIRECTION TO STAFF; REPEALING INCONSISTENT AND/OR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY OF ORDINANCE PROVISIONS; PROVIDING FOR MODIFICATIONS ARISING FROM

CONSIDERATIONS AT A PUBLIC HEARING; PROVIDING DIRECTION TO THE CODIFIER; 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 B-2, Community Business:

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER (1/4) OF SECTION 8, TOWNSHIP 15 SOUTH, RANGE 22 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ¼ OF SECTION 8; THENCE NORTH 00°16'29" EAST ALONG THE EAST LINE OF THE NORTHEAST ¼ SECTION, FOR 1315.19 FEET; THENCE NORTH 89°41'37" WEST PARALLEL TO THE SOUTH LINE OF THE NORTHWEST ¼ SECTION, FOR 113.94 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°41'37" WEST, FOR 164.84 FEET; THENCE SOUTH 13°55'42" WEST ALONG THE EASTERLY LINE OF NORTHEAST 8TH ROAD, FOR 100.14 FEET; THENCE SOUTH 89°41'37" EAST, FOR 187.70 FEET; THENCE NORTH 00°43'55" EAST, FOR 97.32 FEET TO THE POINT OF BEGINNING.

AND

COMMENCING AT THE INTERSECTION OF EAST RIGHT OF WAY OF STATE HIGHWAY NUMBER 31, WITH NORTH BOUNDARY OF SOUTH ½ OF NORTH ½ OF SECTION 8, TOWNSHIP 15 SOUTH, RANGE 22 EAST, RUNNING SOUTH WITH RIGHT OF WAY OF ROAD, 150 FEET FOR THE POINT OF BEGINNING; THENCE DUE EAST 200 FEET, THENCE SOUTH 75 FEET, THENCE WEST TO RIGHT OF WAY OF HIGHWAY, THENCE NORTH ALONG RIGHT OF WAY OF HIGHWAY NO. 31, TO THE POINT OF BEGINNING; SAID LANDS BEING ALSO DESCRIBED AS A PORTION OF SECTION 8, TOWNSHIP 15 SOUTH, RANGE 22 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A CONCRETE MONUMENT THAT IS S.13 DEGREES 43'43"W. 310 FEET FROM THE NW CORNER OF LOT 1 OF BLOCK B, OF FORD'S SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK D, AT PAGE 68, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, RUN THENCE EAST 200 FEET, THENCE SOUTH 75 FEET, THENCE WEST 218.40 FEET, THENCE N.13 DEGREES 43'43"E. 77.25 FEET TO THE POINT OF BEGINNING; AND ALSO BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 31 WITH THE NORTH BOUNDARY OF THE SE ¼ OF NW ¼ OF SECTION 8, TOWNSHIP 15 SOUTH, RANGE 22 EAST; THENCE S.13 DEGREES 44'W. ALONG SAID RIGHT OF WAY LINE 150 FEET; THENCE EAST 200 FEET; THENCE NORTH 145.71 FEET, MORE OR LESS, TO THE SAID NORTH BOUNDARY OF SE ¼ OF NW ¼, THENCE WEST 164.39 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM, BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 31, WITH THE NORTH BOUNDARY OF SE ¼ OF NW ¼ OF SECTION 8, TOWNSHIP 15 SOUTH, RANGE 22 EAST, THENCE S.13 DEGREES 44'W. ALONG SAID RIGHT OF WAY LINE 100 FEET, THENCE EAST 188.13 FEET, THENCE NORTH 97.14 FEET, MORE OR LESS, TO THE NORTH BOUNDARY LINE OF SE ¼ OF NW ¼, THENCE WEST 164.39 FEET TO THE POINT OF BEGINNING.

Section 2. Direction to Staff. The City Council of the City of Ocala, Florida directs staff to take any and all steps necessary to effectuate the adoption and implementation of this ordinance; and all other matters as provided for above and herein as well as to ensure the orderly and effective administration and implementation

of the intent of this ordinance and the specific matters outlined herein.

Section 3. Repealing Inconsistent and/or Conflicting Provisions. The City Council of the City of Ocala, Florida hereby specifically repeals, to the extent of any such conflict, any and all ordinances, resolutions, policies, procedures, and/or other articles which are conflicting and/or inconsistent with this ordinance and the intent and direction provided by the City Council herein.

Section 4. Severability of Ordinance Provisions. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, it is the intent of the City Council of the City of Ocala, Florida that (1) such portion shall be deemed a separate, distinct and independent provision; (2) such holding shall not affect the validity of the remaining portions hereof; and (3) this ordinance be adopted as though any such provision was not included herein.

Section 5. Modifications Arising from Consideration at a Public Hearing. It is the intention of the City Council of the City of Ocala, Florida that (1) the provisions of this ordinance may be modified as a result of its consideration by the City Council of matters that may arise during the public hearing(s) at which this ordinance is considered; and (2) any such modifications shall be incorporated into the final version of this ordinance.

Section 6. Direction to the Codifier. It is the intention of the City Council of the City of Ocala, Florida that (1) the zoning map of the City of Ocala is hereby amended to reflect the change in zoning classification from M-1, Light Industrial, to B-2, Community Business, as to lands described in Section 1 of this ordinance; (2) the sections and paragraphs of this ordinance may be renumbered or relettered in order to accomplish said intention; (3) terms or headings not affecting the intent of this ordinance may be changed to further accomplish said intention; and (4) any scrivener's error(s) contained herein which do not affect the intent of this ordinance be corrected with the authorization of the City Manager or their designee and without the need for additional public hearings or consideration by City Council.

Section 7. This ordinance shall become effective upon approval by the mayor, or upon becoming law without such approval.

**ATTEST:**

**CITY OF OCALA**

By:  
Angel B. Jacobs  
City Clerk

By:  
Barry Mansfield  
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on \_\_\_\_\_, 2024.

By: \_\_\_\_\_  
Ben Marciano  
Mayor

Approved as to form and legality:

By: \_\_\_\_\_  
William E. Sexton

City Attorney

Ordinance No: 2024-44  
Introduced: 7/2/2024  
Adopted: Click or tap to enter a date.  
Legal Ad No: Click or tap here to enter text.