



Legislation Text

File #: 2024-0096, **Version:** 1

Submitted By: Emily W. Johnson, AICP

Presentation By: Emily Johnson

Department: Growth Management

STAFF RECOMMENDATION (Motion Ready):

Adopt Ordinance 2024-4 to amend the Future Land Use Element of the Comprehensive Plan by deleting Policy 18.3 relating to development conditions for property located at 2015 NE 14th Street and the parcel directly to the east (Parcel No. 26490-000-00 and 26490-001-00), approximately 9.84 acres (Case FLUP23-45191)

OCALA'S RELEVANT STRATEGIC GOALS:

Economic Hub, Quality of Place

PROOF OF PUBLICATION:

Ocala Gazette - October 6, 2023

BACKGROUND:

- Petitioner: 4B Investments, LLC
- Property Owner: 4B Investments, LLC
- Agent: W. James Gooding III, Gooding & Batsel, PLLC
- On October 25, 2006, the City Council adopted a Future Land Use Map (FLUM) Amendment LUC06-0002 by Ordinance No. 5579, which changed the future land use of the subject properties from Low-Density Residential and Public Buildings and Facilities to Medium Density Residential. Future Land Use Element Policy 18.3 was adopted by Ordinance No. 5580 in association with LUC06-002 and imposed the following development conditions on the subject properties:
 1. Development on the Amendment area shall not exceed 12 units per acre, with the dwelling unit type being restricted to those allowed under the Low-Density Residential Future Land Use Classification;
 2. The Property shall be developed as a PUD to address density, site design, architectural characteristics, buffers around the entire site, and access along both frontages;

3. The development must provide secured access connection, to and from NE 19th Avenue;
 4. Prior to final development approval, the property owner/developer is required to submit a traffic analysis consistent with the City's Traffic Study Guidelines and Concurrency Management System requirements; and
 5. The property owner/developer will be required to provide all necessary traffic improvements identified in the traffic analysis, or provide (as to required improvements for which proportional share payments would be applicable by the City's Code of Ordinances) required proportionate share contribution payment.
- The current request is to delete the policy and associated development conditions, to allow for the subject properties to be developed in a manner consistent with the present Low Intensity future land use designation. The maximum development potential of this site with the requested deletion of the future land use policy is 177 dwellings, 59 more than presently permitted.
 - Deletion of the Policy would allow for development of apartment dwellings on the subject properties. Presently, apartments are prohibited via the Policy's condition that dwelling unit types be restricted to those allowed under the Low-Density Residential Future Land Use Classification. The Low-Density Residential FLU exclusively allowed for detached and attached single-family houses, duplexes, townhouses, and mobile homes.
 - The remainder of the development conditions will be addressed as part of the City's development review process.
 - The Planning & Zoning Commission voted unanimously to recommend approval at the June 12, 2023, meeting.
 - The proposed text amendment was transmitted to the Florida Department of Commerce (formerly Florida Department of Economic Opportunity) and other relevant state agencies for review on July 20, 2023. On August 18, 2023, the Department of Commerce provided a letter of no comment in response to the Expedited State Review; no further comments nor objections were received from any state agency.

FINDINGS AND CONCLUSIONS: The proposed deletion of the future land use Policy will allow for future development consistent with the Low-Intensity future land use designation and is compatible with the surrounding area. Staff recommends approval of the request.

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 2024-4

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE CITY OF OCALA, FLORIDA, COMPREHENSIVE PLAN AS REQUIRED IN SECTION 163.3161 THROUGH AND INCLUDING SECTION 163.3248, FLORIDA STATUTES; DELETING FUTURE LAND USE POLICY 18.3 OF THE COMPREHENSIVE PLAN RELATING TO DEVELOPMENT CONDITIONS PREVIOUSLY ADOPTED BY ORDINANCE NO. 5580 (LUC06-0002) FOR PROPERTY LOCATED NORTH OF NORTHEAST 14TH STREET (SR 492 ALSO KNOWN AS BONNIE HEATH BOULEVARD), BETWEEN NORTHEAST 19TH AVENUE AND NORTHEAST 22ND AVENUE, SECTION 09, TOWNSHIP 15, RANGE 22, MARION COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida adopted the Local Government Comprehensive Planning and Land Development Regulation Act of 1985, as contained in Section 163.3161 through and including Section 163.3248, Florida Statutes, which required the City of Ocala, Florida, to prepare and adopt a comprehensive plan in accord with the requirements of the said act; and

WHEREAS, the City of Ocala has prepared a comprehensive plan which meets the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985; and

WHEREAS, the City of Ocala on October 22, 1991, adopted this plan including a Future Land Use Element consisting of a land use map series; and

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 provides for the amendment of an adopted plan or element or portion thereof; and

WHEREAS, on October 19, 2010, City Council adopted the Ocala 2035 Vision; and

WHEREAS, one of the strategies of the Ocala 2035 Vision was to initiate Comprehensive Plan Amendments (adopted on January 22, 2013) to be consistent with the Ocala 2035 Vision.

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

Section 1. The City of Ocala Comprehensive Plan, Future Land Use Element and Map Series is hereby amended as required by the Florida Local Government Comprehensive Planning and Land Development Regulation Act of 1985 contained in Section 163.3161 through and including Section 163.3248, Florida Statutes, and pursuant to Section 106-39 (b)(4) of the Code of Ordinances, City of Ocala, Florida, by deleting Policy 18.3 and placing the policy number in reserve.

Section 2. 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 this ordinance as a

whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective upon approval by the mayor, or upon becoming law without such approval.

Section 5. The effective date of this text amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(5), F.S. If challenged, the effective date of the amendment shall be the date a final order is issued by the state land planning agency, or the Administration Commission, finding the amendment in compliance with Section 163.3184, F.S. No development orders, development permits or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency, 107 East Madison Street, MSC 160, Tallahassee, Florida 32399-6545.

ATTEST:

CITY OF OCALA

By:
Angel B. Jacobs
City Clerk

By:
James P. Hilty Sr.
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on _____, 2023.

By: _____
Reuben Kent Guinn
Mayor

Approved as to form and legality:

By: _____
William E. Sexton
City Attorney

Ordinance No: 2024-4
Introduced: 10/3/2023
Adopted: Click or tap to enter a date.
Legal Ad No: Ocala Gazette - October 6, 2023 - IXqQepnLtuYxMWvHEEDS