



Legislation Text

File #: ORD-2024-45, **Version:** 1

Submitted By: Endira Madraveren

Presentation By: Endira Madraveren

Department: Growth Management

STAFF RECOMMENDATION (Motion Ready):

Introduce Ordinance 2024-45 to rezone approximately 12.85 acres for property located at 1123 NW 22nd Street (Parcel 25260-000-00) from M-1, Light Industrial, to M-2, Medium Industrial (Case ZON24-45671) (Quasi-Judicial)

OCALA'S RELEVANT STRATEGIC GOALS:

Quality of Place, Economic Hub

PROOF OF PUBLICATION:

N/A

BACKGROUND:

- Petitioner: Lewis Electrical Constructors, Inc.
- Property Owner: Lewis Electrical Constructors, Inc.
- Agent: Derek Batsel, Boyd-Mox Development, LLC

The agent met with City staff before applying for a rezoning regarding potential end users of the property and the need for additional outdoor storage as permitted in the M-2, Medium Industrial, zoning district.

In 2012, a Code Enforcement case was initiated on this site because of dangerous structures. Subsequently, the structures were razed. Since then, the property has remained vacant. In 2021, a land use change from Neighborhood to Low Intensity and rezoning from R-1A, Single-Family Residential, to M-1, Low Industrial was approved.

The property is surrounded on three sides by vacant R-3, Multi-Family Residential properties. The area has been transitioning to include more industrial uses which align with the existing heavy industrial uses located south and southeast of the property. The M-1 and M-2 zoning districts permit a range of similar uses, the significant difference being the allowance for outdoor storage. Development of the site will require a 25-foot-deep landscape buffer area, or a ten-foot-deep landscaped buffer area combined with a brick, stone, or concrete block wall when adjacent to less intense uses or property with residential zoning.

The Planning & Zoning Commission recommended unanimous approval with a vote of 5-0 on June 10, 2024. The board asked the agent whether there was an end user for this property. The agent, Mr. Batsel, responded that Boyd-Mox did not have an end-user at this time, though they had lost several potential users as the property was not already zoned M-2, Medium Industrial.

FINDINGS AND CONCLUSIONS: The requested M-2, Medium Industrial, is consistent with the comprehensive plan and requested Low-Intensity future land use classification. The amendment will not adversely affect the community's health, safety, convenience, prosperity, or general welfare. The proposed M-2 zoning is consistent with Section 122-244 of the code of ordinances and with the proposed future use of the property. 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 2024-45

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF OCALA, FLORIDA, CHANGING FROM M-1, LIGHT INDUSTRIAL, TO M-2, MEDIUM INDUSTRIAL, FOR PROPERTY LOCATED AT 1123 NW 22ND STREET (PARCEL 25260-000-00), APPROXIMATELY 12.85 ACRES (ZON24-45671); 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 M-2, Light Industrial:

SEC 06 TWP 15 RGE 22 SW 1/4 OF SW 1/4 OF SW 1/4 & E 1/2 OF SW 1/4 OF SW 1/4 & W 1/2 OF NW 1/4 OF SE 1/4 OF SW ¼ EXC HWY ROW EXC COM AT THE SW COR OF SEC 6 TH N 89-72-22 E 25 FT TO THE POB TH CONT N 89-07-22 E 385.68 FT TH N 52-33-46 W 486.28 FT TH S 00-05-16 E 301.48 FT TO THE POB EXC ROW FOR NW 22ND ST EXC CSX SEABOARD COASTLINE RR EXC COM AT THE SW COR OF SEC 6 TH N 00-10-04 E 452.62 FT TH S 89-49-56 E 25 FT TH N 00-10-04 E 156.31 FT TO THE POC OF A CURVE CONCAVE SELY HAVING A RADIUS OF 25 FT A CENTRAL ANGLE OF 91-07-16 TH NELY ALONG ARC OF CURVE 39.76 FT TH S 88-42-40 E 854.48 FT TO THE POB TH CONT S 88-42-40 E 66.26 FT TH N 88-15-38 E 982.46 FT TH S 01-44-22 E 819.43 FT TH S 88-15-38 W 779.27 FT TH S 28-27-24 W 137.46 FT TH N 52-59-44 W 256.70 FT TH N 01-44-22 W 781.08 FT TO THE POB & EXC COM AT THE SW COR OF SEC 6 TH N 00-15-55 E 452.60 FT TH S 89-44-05 E 25 FT TH S 52-55-14 E 31.78 FT TO THE POB TH N 00-19-26 E 179.46 FT TH N 45-16-23 E 28.98 FT TH S 88-36-49 E 833.97 FT TH S 01-38-56 E 781.07 FT TH S 37-16-56 W 49.71 FT TH N 52-55-14 W 1062.54 FT TO THE POB

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 M-2, Medium Industrial, 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: 2024-45
Introduced: 7/2/2024
Adopted: Click or tap to enter a date.
Legal Ad No: Click or tap here to enter text.