



Legislation Details (With Text)

File #: ORD-2023-49

Type: Ordinance **Status:** Agenda Ready

File created: 5/18/2023 **In control:** City Council

On agenda: 6/6/2023 **Final action:**

Title: Introduce Ordinance 2023-49 revising the definition/criteria of the Medium Intensity/Special District land use classification (Policy 6.2) of the Future Land Use Element of the Comprehensive Plan (CPTA23-45126)

Sponsors: Kristen M. Dreyer

Code sections:

Attachments: 1. Transmittal packet, 2. DEO letter of no objection, 3. FDOT letter of no objection, 4. SJRWMD response of no objection

Date	Ver.	Action By	Action	Result
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Submitted By: Tye Chighizola
Presentation By: Tye Chighizola
Department: Growth Management

STAFF RECOMMENDATION (Motion Ready):
Introduce Ordinance 2023-49 revising the definition/criteria of the Medium Intensity/Special District land use classification (Policy 6.2) of the Future Land Use Element of the Comprehensive Plan (CPTA23-45126)

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

PROOF OF PUBLICATION:
N/A

* Applicant: City of Ocala

The City is revising the Medium Intensity/Special District (Policy 6.2 of the Future Land Use Element) to clarify the zoning and design standards required to implement new development in special districts identified in Objective 8 of the Future Land Use Element. Policy 6.2 was drafted when the comprehensive plan was updated in 2013 to incorporate the 2035 Vision Plan and the West Ocala Community Plan. The adopted language requiring an applicant to follow the form-based code was not clear; specifically, the language concerning the guidelines/standards used to implement new development. In 2013, there were no form-based code requirements in the code of ordinances. In 2018, the Downtown Form-Based Code District was adopted consistent with the High-Intensity Land Use Classification.

The Medium Intensity/Special Districts include 785 parcels consisting of 3,125.88 acres. The revised language provides multiple options for the development or redevelopment of properties within the Medium Intensity/Special Districts, including the development of form-based code standards for the various special districts. The revised language includes the following:

"The character, function, and form of new buildings or development on vacant land shall be regulated by a form-based code zoning district that includes design standards adopted specifically for a Medium Intensity/Special District identified in Objective 8, a Planned Development (PD) zoning district that includes specific design standards related to the surrounding uses, or a Chapter 163 Development Agreement with specific design standards".

The proposed language will allow flexibility concerning the zoning and standards needed to implement new development but still require standards that are beyond traditional zoning.

FINDINGS AND CONCLUSIONS: The proposed changes are consistent with the 2035 Vision Plan and West Ocala Community Plan. Staff recommends approval of the proposed text amendment. The Planning and Zoning Commission recommended approval by a vote of 6 to 0 on Monday, April 10, 2023. The Ocala City Council transmitted the text

amendment to the Florida Department of Economic Opportunity (FDEO) on April 18, 2023. FDEO and the other state agencies had no comments concerning the text amendment.

FISCAL IMPACT: N/A

PROCUREMENT REVIEW: N/A

LEGAL REVIEW: This amendment will be reviewed and approved by City Attorney, William E. Sexton.

ALTERNATIVE:

- * Approve with changes
- * Deny
- * Table

ORDINANCE 2023-49

AN ORDINANCE AMENDING THE CITY OF OCALA, FLORIDA, COMPREHENSIVE PLAN PURSUANT TO SECTIONS 163.3161 THROUGH AND INCLUDING 163.3248, FLORIDA STATUTES, CONCERNING A FUTURE LAND USE TEXT AMENDMENT (CASE NO. CPTA23-45126), AMENDING FUTURE LAND USE POLICY 6.2 BY REVISING THE DEFINITION/CRITERIA FOR THE MEDIUM INTENSITY/SPECIAL DISTRICT LAND USE CLASSIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE 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, pursuant to Section 163.3161 through Section 163.3248, Florida Statutes, which required the City of Ocala, Florida to prepare and adopt a comprehensive plan in accordance 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 Map as part of the Future 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 THE CITY OF OCALA, FLORIDA, in regular session as follows:

Section 1. 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 106-38 of the Code of Ordinances, City of Ocala, Florida, the City of Ocala Comprehensive Plan Future Land Use Element is hereby amended by revising policy 6.2 to read as follows:

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 should facilitate developments with two (2) or more uses. Permitted uses include residential, office, commercial, public, recreation, educational facilities, and institutional. Light industrial shall only be allowable in designated locations as specified in the Land Development Code and must meet the intent of the Medium Intensity/Special District category, including form and design guidelines as applicable.

The character, function, and form of new buildings or development on vacant land shall be regulated by a form-based code zoning district that includes design standards adopted specifically for a Medium Intensity/Special District identified in Objective 8, a Planned Development (PD) zoning district that includes specific design standards related to the

surrounding uses, or a Chapter 163 Development Agreement with specific design standards. Existing developed and public properties shall be regulated by the Land Development Code.

A Medium Intensity/Special District is intended to promote a walkable urban form with buildings at moderate build-to lines from the street and public right-of-way, as depicted in Figure C. Parking may occur on-street or in the moderate build-to-line of buildings, though rear and side yard parking is encouraged, as depicted in Figure D. Shade for pedestrians should be provided through landscaping or building design. Open space in Medium Intensity/Special District areas consists of large neighborhood and community parks.

The minimum density and intensity before any incentives in this future land use category is 5 dwelling units per gross acre or 0.15 FAR. The maximum density and intensity before any incentives is 30 dwelling units per acre or 4.0 FAR. The location and application of incentives shall be set forth in the Land Development Code.

Increased density and intensity incentives may be approved for inclusion of workforce housing, green building, and sustainable design standards, setting aside right-of-way for trails, employment-generating uses, exemplary urban design, or other benefits to the City as specified in the Land Development Code. The location and application of incentives shall be set forth in the Land Development Code.

Figure C

Medium Intensity/Special District Typical Cross Section

Figure D

Medium Intensity / Special District Typical perspective and parking location

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 take effect upon approval by the Mayor, or upon becoming law without such approval.

Section 5. If this ordinance becomes effective, the effective date of the comprehensive plan text amendment adopted hereby shall be:

a. If this amendment is not timely challenged, the effective date shall be 31 days after the state land planning agency notifies the local government that this plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. 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 at 107 East Madison Street, MSC 160, Tallahassee, Florida 32399-4120.

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: 2023-49
Introduced: Click or tap to enter a date.
Adopted: Click or tap to enter a date.
Legal Ad No: Click or tap here to enter text.