



## Legislation Details (With Text)

**File #:** 2024-0967

**Type:** Ordinance **Status:** Passed

**File created:** 3/8/2024 **In control:** City Council

**On agenda:** 3/19/2024 **Final action:** 3/19/2024

**Title:** Adopt Ordinance 2024-21 to change the Future Land Use designation from Commerce District (County) to Low Intensity (City), for property located in the 6000 block of SW 38th Street (Parcel 23820-011-00, 23820-012-00, 23820-012-01, 23820-012-02, 23820-012-03); approximately 19.4 acres. (Case LUC24-45497) (Quasi-Judicial)

**Sponsors:** James P. Hilty Sr

**Code sections:**

**Attachments:** 1. LUC23-45497 Packet Details, 2. 2-12-24 Minutes

Date	Ver.	Action By	Action	Result
3/19/2024	1	City Council	Adopted	Pass

Submitted By: Divya Govindaraju

Presentation By: Endira Madraveren

Department: Growth Management

### STAFF RECOMMENDATION (Motion Ready):

Adopt Ordinance 2024-21 to change the Future Land Use designation from Commerce District (County) to Low Intensity (City), for property located in the 6000 block of SW 38th Street (Parcel 23820-011-00, 23820-012-00, 23820-012-01, 23820-012-02, 23820-012-03); approximately 19.4 acres. (Case LUC24-45497) (Quasi-Judicial)

### OCALA'S RELEVANT STRATEGIC GOALS:

Quality of Place

### PROOF OF PUBLICATION:

N/A

### BACKGROUND:

- Petitioner: M A F Ocala, Inc
- Agent: N/A
- Property Owner: M A F Ocala, Inc
- The petitioner is requesting to change the land use designation of the subject properties from Commerce District (County) to Low Intensity
- The proposed use is a recreation vehicle and boat storage facility. A site plan has not been submitted at

this time.

- The subject properties are in unincorporated Marion County and the petitioner has submitted concurrent applications for annexation (ANX23-45495) and rezoning to M-2, Medium Industrial (Case: ZON23-45498).
- The surrounding land uses are mostly Low Intensity.
- Located to the south of the Ocala International Airport, the property requires an aviation easement.
- The Planning & Zoning Commission recommended approval with a vote of 4-0 at their February 12, 2024, meeting.

#### **FINDINGS AND CONCLUSIONS:**

The requested Low-Intensity land use is consistent and compatible with the surrounding area. The proposed M-2, Medium Industrial, zoning district is consistent with the requested Low-Intensity future land use classification, pursuant to Section 122-244 of the Ocala Code of Ordinances. Adequate public facilities exist to service the proposed development. 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 2024-21**

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP SERIES OF THE CITY OF OCALA, FLORIDA, COMPREHENSIVE PLAN AS REQUIRED IN SECTION 163.3161 THROUGH AND INCLUDING SECTION 163.3248, FLORIDA STATUTES; DETAILING THE LAND USE CHANGE (CASE NO. LUC23-45497) INVOLVED AND TO AMEND THE FUTURE LAND USE MAP SERIES FROM COMMERCE DISTRICT (COUNTY) TO LOW INTENSITY (CITY) FOR PROPERTY LOCATED IN THE 6000 BLOCK OF SW 38<sup>TH</sup> STREET, OCALA, FLORIDA (PARCEL: 23820-011-00, 23820-012-00, 23820-012-01, 23820-012-02, 23820-012-03); PROVIDING DIRECTION TO STAFF; REPEALING INCONSISTENT AND/OR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY OF ORDINANCE PROVISIONS; PROVIDING FOR MODIFICATIONS ARISING FROM CONSIDERATION AT A PUBLIC HEARING; PROVIDING DIRECTION TO THE CODIFIER; 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 106-38 of the Code of Ordinances, City of Ocala, Florida. The following described lands are hereby reclassified according to the City of Ocala Comprehensive Plan, Future Land Use Element as Public and the attached land use map, dated August 14, 2023, is incorporated by reference into this ordinance:

A TRACT OF LAND GENERALLY COMPRISED OF THE FOLLOWING PARCELS OF RECORD:

PARCEL 23820-011-00: DESCRIBED IN OFFICIAL RECORDS BOOK 2793, PAGES 424 AND 425, PUBLIC RECORDS OF MARION COUNTY, FLORIDA;

PARCEL 23820-012-00: DESCRIBED IN OFFICIAL RECORDS BOOK 2574, PAGES 1806 AND 1807, LESS AND EXCEPT THE LANDS IDENTIFIED AS PARCEL 23820-012-04 AS DESCRIBED IN OFFICIAL RECORDS BOOK 4101, PAGES 963 AND 964, PUBLIC RECORDS OF MARION COUNTY, FLORIDA;

PARCEL 23820-012-01: DESCRIBED IN OFFICIAL RECORDS BOOK 2574, PAGES 1801 AND 1802, PUBLIC RECORDS OF MARION COUNTY, FLORIDA;

PARCEL 23820-012-02: DESCRIBED IN OFFICIAL RECORDS BOOK 2574, PAGES 1808 AND 1809, PUBLIC RECORDS OF MARION COUNTY, FLORIDA;

PARCEL 23820-012-03: DESCRIBED IN OFFICIAL RECORDS BOOK 2784, PAGES 573 AND 574, PUBLIC RECORDS OF MARION COUNTY, FLORIDA;

SAID TRACT LYING IN THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 15 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SW 60TH AVENUE WITH THE NORTH RIGHT-OF-WAY LINE OF SW 38TH STREET (SAID INTERSECTION BEING 30 FEET WEST OF AND 25 FEET NORTH OF THE SOUTHEAST CORNER OF SECTION 29, TOWNSHIP 15 SOUTH, RANGE 21 EAST); THENCE WESTERLY, ALONG THE NORTH RIGHT-OF-WAY LINE OF SW 38TH STREET, 217.80 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF PARCEL 23820-012-04 (AS DESCRIBED IN OFFICIAL RECORDS BOOK 4101, PAGES 963 AND 964 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA) AND TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY, ALONG SAID NORTH RIGHT-OF-WAY LINE, 1148.43 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF PARCEL 23820-011-06 (AS DESCRIBED IN OFFICIAL RECORDS BOOK 3077, PAGES 1539 THROUGH 1541, INCLUSIVE, OF SAID PUBLIC RECORDS); THENCE NORTHERLY, ALONG THE EAST LINE OF SAID PARCEL, 637.54 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE EASTERLY, ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 29 AND ALONG A SOUTH LINE OF THE CORPORATE LIMITS OF THE CITY OF OCALA (ANNEXED PURSUANT TO APPLICATION NO. 91-6 BY VIRTUE OF ORDINANCE NO. 2219, A COPY OF WHICH IS RECORDED IN OFFICIAL RECORDS BOOK 1753, PAGES 730 THROUGH 734, INCLUSIVE, OF SAID PUBLIC RECORDS), 1364.18 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF PARCEL 23820-012-00 (AS DESCRIBED IN OFFICIAL RECORDS BOOK 2574, PAGES 1806 AND 1807, LESS AND EXCEPT THE LANDS IDENTIFIED AS PARCEL 23820-012-04 AS DESCRIBED IN OFFICIAL RECORDS BOOK 4101, PAGES 963 AND 964, OF SAID PUBLIC RECORDS) AND TO THE WEST RIGHT-OF-WAY LINE OF SW 60TH AVENUE; THENCE SOUTHERLY, ALONG SAID WEST RIGHT-OF-WAY LINE, 436.58 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF AFOREMENTIONED PARCEL 23820-012-04; THENCE WESTERLY, ALONG THE NORTH LINE OF SAID PARCEL AND ALONG A NORTH LINE OF THE CORPORATE LIMITS OF THE CITY OF OCALA (ANNEXED PURSUANT TO APPLICATION ANX05-0024 BY VIRTUE OF ORDINANCE NO. 5473, A COPY OF WHICH IS RECORDED IN OFFICIAL RECORDS BOOK 4317, PAGES 566 THROUGH 568, INCLUSIVE, OF SAID PUBLIC RECORDS), 217.80 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF AFOREMENTIONED PARCEL 23820-012-04; THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID PARCEL AND ALONG A WEST LINE OF THE AFOREMENTIONED CORPORATE LIMITS OF THE CITY OF OCALA ANNEXED BY VIRTUE OF ORDINANCE NO. 5473, 200.66 FEET, MORE OR LESS, 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 Future Land Use Map of the City of Ocala is hereby amended to reflect the change in land use from Medium Intensity/Special District to Public 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.

Section 8. The effective date of this small-scale development 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:  
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: 2024-21  
Introduced: 3/5/2024  
Adopted: Click or tap to enter a date.  
Legal Ad No: Click or tap here to enter text.