

Submitted By: Emily W. Johnson, AICP

Presentation By: Emily Johnson

Department: Growth Management

STAFF RECOMMENDATION (Motion Ready):

Introduce Ordinance 2024-56 to rezone approximately 0.05 acres for property located at 2951 NW 47th Avenue (Parcel 21509-001-00) from PUD, Planned Unit Development (County) to G-U, Governmental Use (City) (Case ZON24-45778) (Quasi-Judicial)

OCALA'S RELEVANT STRATEGIC GOALS:

Quality of Place, Economic Hub

PROOF OF PUBLICATION:

N/A

BACKGROUND:

- Petitioner: Marion County Board of County Commissioners
- Property Owner: Marion County Board of County Commissioners

The petitioner requests to change the zoning in association with concurrent applications for annexation (ANX24-45776) and future land use (LUC24-45777). This request arises because neighboring privately owned properties have petitioned the city for annexation. To avoid creating an enclave, annexing this Marion County-owned property is required. Pursuant to Section 122-246 of the Code of Ordinances, all annexed territory shall be subject to the land use change process and comply with the City's comprehensive plan.

The subject property is a County-owned well site. The well site provides potable water to the Quail Meadow subdivision, located to the north. The subject property is zoned PUD in Marion County.

FINDINGS AND CONCLUSIONS: The requested city G-U, Governmental Use, zoning district is consistent with the comprehensive plan and the requested Public Future Land Use Classification. The proposed zoning change will not adversely affect the community's health, safety, convenience, prosperity, or general welfare. The proposed G-U zoning is consistent with Sections 122-244 and 122-246 of the Code of Ordinances and with the property's existing use.

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

SUPPORT MATERIALS:

- Staff Report
- Case Map
- Aerial Map

ORDINANCE 2024-56

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF OCALA, FLORIDA, CHANGING THE ZONING FROM PUD, PLANNED UNIT DEVELOPMENT (COUNTY), TO G-U, GOVERNMENTAL USE (CITY), FOR CERTAIN PROPERTY LOCATED AT 2951 NW 47TH AVENUE (PARCEL NUMBER 21509-001-00), APPROXIMATELY 0.05 ACRES (CASE NO. ZON24-45778); 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 lands described below are hereby rezoned and reclassified according to the zoning regulation of the City of Ocala, Florida, as G-U, Governmental Use:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 15 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA, AND PROCEED SOUTH 89 DEGREES 58 MINUTES 20 SECONDS EAST, ALONG THE NORTH BOUNDARY LINE OF SAID SECTION 3, A DISTANCE OF 2460.21 FEET TO THE OLD WEST RIGHT OF WAY LINE OF NORTHWEST 44TH AVENUE; THENCE SOUTH 00 DEGREES 01 MINUTES 12 SECONDS EAST, ALONG SAID OLD WEST RIGHT OF WAY LINE, A DISTANCE OF 2150.16 FEET; THENCE SOUTH 89 DEGREES 37 MINUTES 10 SECONDS WEST, ALONG THE SOUTH BOUNDARY LINE OF QUAIL MEADOW AS RECORDED IN PLAT BOOK Y, PAGES 89 THROUGH 91, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, A DISTANCE OF 605.62 FEET TO AN IRON ROD & CAP; THENCE CONTINUE SOUTH 89 DEGREES 37 MINUTES 10 SECONDS WEST, A DISTANCE OF 539.85 FEET TO A POINT; THENCE SOUTH 89 DEGREES 09 MINUTES 21 SECONDS WEST, A DISTANCE OF 69.36 FEET TO AN IRON ROD & CAP; THENCE SOUTH 00 DEGREES 01 MINUTES 12 SECONDS EAST, A DISTANCE OF 176.51 FEET TO A POINT; THENCE SOUTH 89 DEGREES 40 MINUTES 57 SECONDS EAST, A DISTANCE OF 196.46 FEET TO AN IRON ROD & CAP AT THE POINT OF BEGINNING OF THE EXISTING WELLS AND TANK FACILITIES SITE; THENCE SOUTH 89 DEGREES 40 MINUTES 57 SECONDS EAST, A DISTANCE OF 60.67 FEET TO AN IRON ROD & CAP; THENCE SOUTH 00 DEGREES 19 MINUTES 52 SECONDS WEST, A DISTANCE OF 36.94 FEET TO AN IRON ROD & CAP; THENCE NORTH 89 DEGREES 34 MINUTES 20 SECONDS WEST, A DISTANCE OF 60.45 FEET TO AN IRON ROD & CAP; THENCE NORTH 00 DEGREES 00 MINUTES 51 SECONDS WEST, A DISTANCE OF 36.83 FEET TO THE IRON ROD & CAP AT THE POINT OF BEGINNING. SAID EXISTING WELLS AND TANK FACILITY SITE, LYING AND BEING SITUATED IN MARION COUNTY, FLORIDA.

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 PUD, Planned Unit Development (County) to G-U, Governmental Use (City) 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 later of:

1. Approval by the mayor, or upon becoming law without such approval;
or
2. The effective date of Ordinance No. 2024-_____ (Ref: Land Use Case LUC24-45777).

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: 2024-56

Introduced: 9/3/2024

Adopted: Click or tap to enter a date.

Legal Ad No: Click or tap here to enter text.