Ordinance

No. 5935

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF OCALA, FLORIDA CONCERNING LAND USE; AMENDING THE FUTURE LAND USE ELEMENT BY ADDING A POLICY ADDRESSING DEVELOPMENT CONDITIONS RELATED TO FUTURE LAND USE MAP AMENDMENT LUC08-0022; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING 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 163.3245, Florida Statues, 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;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF OCALA, FLORIDA, in regular sessions 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 163.3245, Florida Statutes and pursuant to Section 106-38 of the Code of Ordinances, City of Ocala, Florida, the City of Ocala Comprehensive Future Land Use Element is hereby amended by adding Policy 12.31

POLICY 12.31 Future Land Use Map (FLUM) Amendment LUC08-0022 adopted by Ordinance Number 5934 on Dec. 16, 2008, changes the future land use on the amendment area from Low Density Residential to Retail Services. Development shall meet the requirements of all applicable goals, objectives and policies of the Comprehensive Plan; however, the land use and development potential made available by FLUM Amendment LUC08-0022 is hereby limited based on the following:

1. The aggregate development of the Amendment Parcel along with the aggregate development for the property associated with Case LUC 08-0005 shall not exceed what was previously adopted under the City and Council future land use

designations.

2. Prior to final development approval, the property owner will be required to submit a traffic study, capacity reservation and development plan that is consistent with the City's Traffic Study Guidelines and Concurrency Management System.

3. The property owner/developer will be required to provide (as to required improvements for which proportionate share payments may or must be made under the City's Code of Ordinances) required proportionate share contribution payments.

4. The developer/property owner shall coordinate with FDOT, Marion County and the City of Ocala to formulate an Access Management Plan that takes into account the existing roadway network, including I-75, US 27, NW 27th Avenue and NW 35th Street and is consistent with the proposed MEC industrial park/retail development adjacent to the north and east.

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. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statues, whichever occurs earlier. 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 Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. This ordinance shall take effect on the 21st day of April, 2009.

ATTEST:

Angel B. Jacobs

~~Valerie J. Forster~~ Angel B. Jacobs
~~City Clerk~~ Interim City Clerk

CITY OF OCALA

By: _____
Kyle A. Kay
President, Ocala City Council

Approved / Denied by me as Mayor of the City of Ocala, Florida, on December 16th, 2008.

By: _____
Randall Ewers
Mayor

Approved as to form and legality:

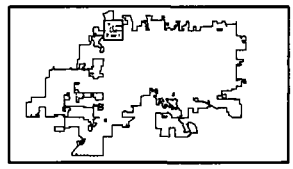
_____
Patrick G. Gilligan
City Attorney

Ordinance No. 5935
Introduced: December 2, 2008
Adopted: December 16, 2008
Legal Ad No. SRO5174477

ORDINANCE MAP **P&Z MEETING:** 8/11/2008

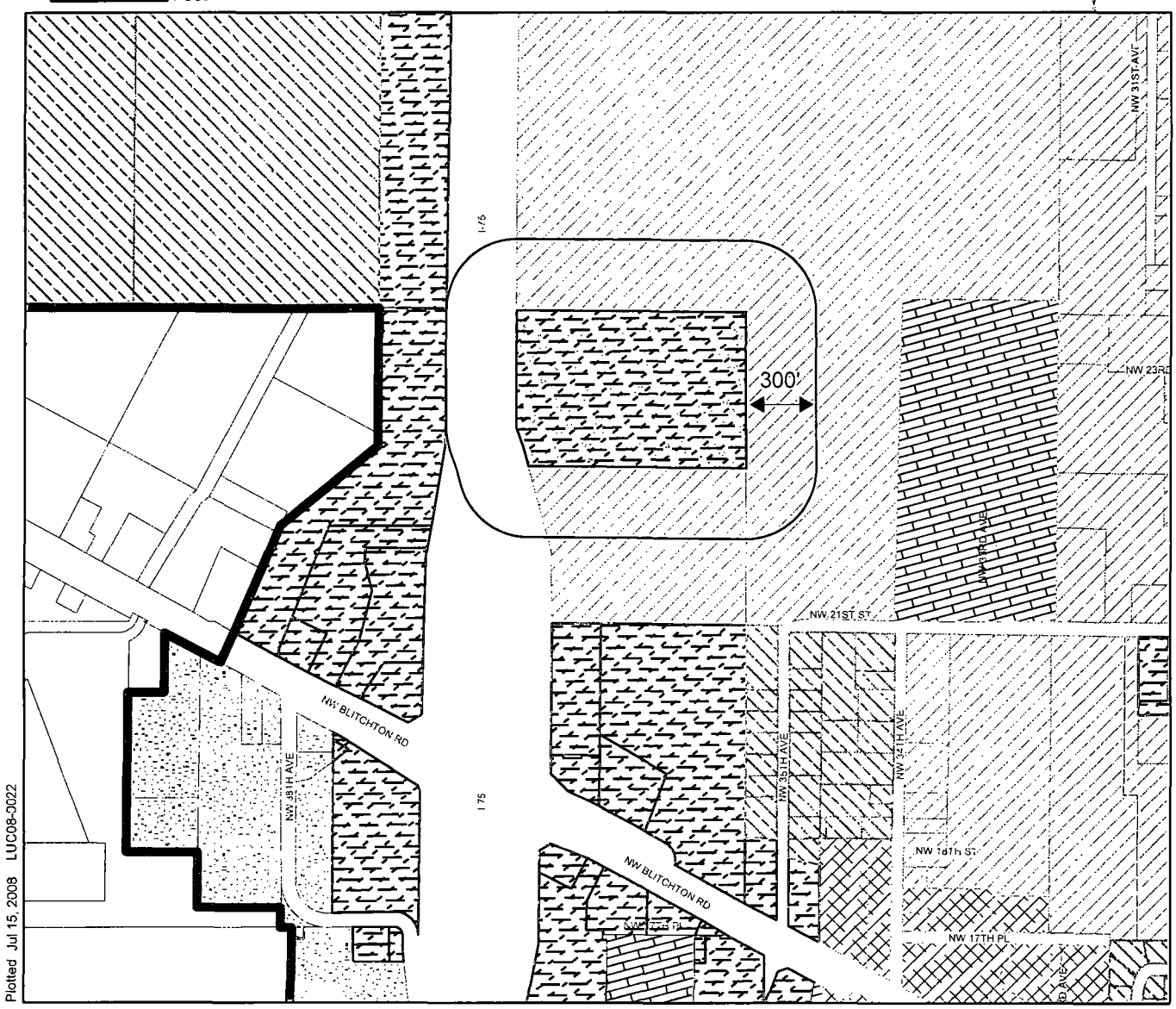
CASE NUMBER: LUC08-0022
PARCEL NUMBER: 21466-000-00
PROPERTY SIZE: APPROX 15.0 ACRES
ZONING: R-1, SINGLE FAMILY RESIDENTIAL
PROPOSED: CHANGE THE COMPREHENSIVE PLAN AMENDMENT LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO RETAIL SERVICES

LOCATION MAP



SEC 2 TWP 15 RNG 21

500 Feet



FUTURE LAND USE 2012

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Very High Density Residential
- Neighborhood Business
- Professional Services
- Retail Services
- Wholesale & Other Business
- Light Industrial
- Medium Industrial
- Heavy Industrial
- Public Buildings & Facilities
- Recreation & Open Space
- Agricultural
- Pending LandUse
- Downtown Commercial(CRA)
- Public Facilities (CRA)
- PARKS:(CRA)
- Mixed Use 1 (CRA)
- Mixed Use 2 (CRA)
- Marion County
- City Limits

Prepared by CITY OF OCALA PLANNING DEPARTMENT