

Submitted By: Andrew Gray

Presentation By: Andrew Gray

Department: Growth Management

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**STAFF RECOMMENDATION** (Motion Ready):

Introduce Ordinance 2024-XX to annex approximately 1.85 acres for property located approximately 300-feet north of the intersection at US Highway 27 and NW 46th Terrace, Drainage Retention Area Tract B of the Foxwood III Replat (P.B. 14 Pg. 197) (Parcel 21509+001-02) (Case ANX24-45696) (Quasi-Judicial)

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**OCALA’S RELEVANT STRATEGIC GOALS:**

Quality of Place

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**PROOF OF PUBLICATION:**

N/A

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**BACKGROUND:**

- Petitioner: Second Nine Partners LLC
- Property Owner: Second Nine Partners LLC
- Agent: Tillman & Associates Engineering, LLC

The surrounding commercial property has all been annexed. Further, the Declaration of Easements with Covenants Affecting Land for the Shops at Foxwood Replat indicates that the subject property is a portion of the DRA Easement Area (subject to a perpetual, non-exclusive easement for the drainage and discharge of surface storm water runoff) in support of Shops at Foxwood Replat as well as a portion of Tract G, Shops at Foxwood (now known as Lot 2, Foxwood III).

The subject property has been developed with a drainage retention area which collects stormwater runoff and allows for up to 80% impervious area on the lots within the Shops at Foxwood Replat. Pursuant to Section 4 of the aforementioned declaration, maintenance of the drainage retention area is the responsibility of the Association or benefitting lot owners. The current use of the subject property depicted on the Foxwood III plat is indicated to be a drainage retention area. Therefore, it will likely not be developed in the future with any permitted uses within the B-2 zoning district.

The subject property is in unincorporated Marion County and the petitioner is requesting to annex the property into the City to eliminate the enclave created by annexation of all the adjacent properties. Additionally, the request to annex the property into the City would result in the property being located within the same jurisdiction as the lots which it is designed and constructed to support. The petitioner has submitted concurrent applications for a land use change to Low Intensity (Case: LUC24-45697) and rezoning to B-2, Community Business (Case: ZON24-45698).

**FINDINGS AND CONCLUSIONS:** The subject property is contiguous to the City limits, and the annexation into the City limits eliminates an enclave. The current use of the subject property

depicted on the Foxwood III plat is indicated to be a drainage retention area. Therefore, it will likely not be developed in the future with any permitted uses within the B-2 zoning district. Adequate public facilities exist to service the subject properties. The annexation request will not adversely affect the community's health, safety, convenience, prosperity, or general welfare. Staff recommends approval.

**FISCAL IMPACT:** N/A

**ALTERNATIVES:**

- Approve with changes.
- Deny
- Table

**SUPPORT MATERIALS:**

- Staff Report
- Case Map
- Aerial Map

# ORDINANCE 2024-XX

AN ORDINANCE ANNEXING TO THE CITY OF OCALA, FLORIDA CERTAIN PROPERTY LOCATED APPROXIMATELY 300-FEET NORTH OF THE INTERSECTION AT US HWY 27 AND NW 46TH TER (PARCEL 21509+001-02), APPROXIMATELY 1.85 ACRES (ANX24-45696), MARION COUNTY, FLORIDA, PURSUANT TO CHAPTER 171, FLORIDA STATUTES, PROVIDING FOR TERMS AND CONDITIONS OF SAID ANNEXATION, DESCRIBING THE AREA TO BE ANNEXED; 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, owners of real property to an unincorporated area of Marion County which is contiguous to the City of Ocala, Florida, have petitioned the City Council of the City of Ocala that said property be annexed to the City of Ocala, Florida, in accordance with Section 171.044, Florida Statutes; and

WHEREAS, it has been determined by the City Council of the City of Ocala, Florida, that the petition bears the signature of all owners of property in the area proposed to be annexed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA, in regular session as follows:

Section 1. City Council of the City of Ocala, Florida in accordance with the powers given and granted to said City of Ocala in and by Chapter 171, Florida Statutes, does hereby redefine the boundary lines of the City of Ocala, so as to include therein the property contiguous thereto and described as follows:

*SECTION 03, TOWNSHIP 15, RANGE 2, PLAT BOOK 014 PAGE 197 FOXWOOD III, TRACT B- WRA*

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 property described in Section 1 of this ordinance be annexed; (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-XX  
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.