

Submitted By: Kristina L. Wright, CNU-A, FRA-RA

Presentation By: Kristina L. Wright, CNU-A, FRA-RA

Department: Growth Management

STAFF RECOMMENDATION (Motion Ready):

Introduce Ordinance 2024-XX to change the Future Land Use designation on approximately 25.67 acres for properties located approximately 600-feet north of the intersection at US Highway 27 and NW 49th Avenue, Lot 1 and Drainage Retention Area Tract A of the Foxwood III Replat (P.B. 14, Pg. 197) (Parcel 21509-001-01 and 21509+001-01) from Commercial (County) to Low Intensity (City) (Case LUC24-45694) (Quasi-Judicial).

OCALA’S RELEVANT STRATEGIC GOALS:

Quality of Place

PROOF OF PUBLICATION:

N/A

BACKGROUND:

- Petitioner: Second Nine Partners LLC
- Property Owner: Second Nine Partners LLC
- Agent: Guy Lemieux, Second Nine Partners LLC

The subject properties are currently vacant and undeveloped; located in unincorporated Marion County; and are zoned PUD, Planned Unit Development (County), with an underlying Commercial Future Land Use classification (County). On April 5, 2022, the Marion County Board of County Commissioners approved a conceptual PUD plan for the development of 396 multi-family dwelling units.

The petitioner is requesting to change the land use classification from Commercial (County) to Low Intensity (City), in association with a concurrent annexation (ANX24-45693), to connect to existing utilities and facilitate future multi-family residential development consistent with the conceptual PUD plan approved by Marion County. Pursuant to Code of Ordinances Section 122-246, all annexed territory shall be subject to the land use change process in order to bring the land use into compliance with the City’s comprehensive plan. The requested Low Intensity Future Land Use classification carries an underlying density of 3 to 18 dwelling units per acre, and a maximum intensity of 0.75 FAR.

Adequate public facilities exist to service the subject properties. The petitioner has submitted concurrent applications for an Annexation (Case: ANX24-45693) and Rezoning to R-3, Multifamily Residential (Case: ZON24-45695).

FINDINGS AND CONCLUSIONS: The proposed land use change for the subject properties is compatible with the surrounding properties and with the subsequent zoning change request to R-3

as well. The proposed land use change 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
- Conceptual Plan
- Foxwood Commons PUD Approval Letter
- Foxwood III Plat
- Foxwood Covenants & Restrictions

ORDINANCE 2024-XX

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. LUC24-45694) INVOLVED AND TO AMEND THE FUTURE LAND USE MAP SERIES FROM COM, COMMERCIAL (COUNTY) TO LI, Low INTENSITY FOR PROPERTY LOCATED APPROXIMATELY 600-FEET NORTH OF THE INTERSECTION AT US HIGHWAY 27 AND NW 49TH AVENUE, LOT 1 AND DRAINAGE RETENTION AREA TRACT A OF THE FOXWOOD III REPLAT (PB 14, PG 197), (PARCELS 21509-001-01 AND 21509+001-01); 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 LI, Low Intensity

and the attached land use map, dated August 20, 2024 is incorporated by reference into this ordinance:

SECTION 03, TOWNSHIP 15, RANGE 21, PLAT BOOK 014 PAGE 197, FOXWOOD III, LOT 1

AND

SECTION 03, TOWNSHIP 15, RANGE 21, PLAT BOOK 014 PAGE 197, FOXWOOD III, TRACT A- 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 Future Land Use Map of the City of Ocala is hereby amended to reflect the change in land use from COM, COMMERCIAL (County) to LI, Low Intensity 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.