

Submitted By: Andrew Gray

Presentation By: Andrew Gray

Department: Growth Management

STAFF RECOMMENDATION (Motion Ready):

Introduce Ordinance 2024-XX to rezone 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 Foxwood III (P.B. 14, Pg. 197) (Parcel 21509+001-02) from B-2, Community Business (County), to B-2, Community Business (City) (Case ZON24-45698) (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: Tillman & Associates Engineering, LLC

The subject property is currently in unincorporated Marion County and surrounded by properties zoned B-2, Community Business, within the City of Ocala. The petitioner is requesting to change the zoning from B-2, Community Business (County) to B-2, Community Business (City). 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. There are two other concurrent applications, consisting of a land use change (LUC24-45697) and an annexation (ANX24-45696).

FINDINGS AND CONCLUSIONS: The requested B-2, Community Business, zoning classification is consistent with the surrounding area, the comprehensive plan and the requested Low-Intensity future land use classification. The amendment will not adversely affect the community’s health, safety, convenience, prosperity, or general welfare. The proposed B-2 zoning is consistent with Section 122-244 of the Code of Ordinances and with the proposed future land use of the property.

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 AMENDING THE ZONING MAP OF THE CITY OF OCALA, FLORIDA, CHANGING FROM B-2, COMMUNITY BUSINESS (COUNTY), TO B-2, COMMUNITY BUSINESS (CITY), FOR PROPERTY LOCATED APPROXIMATELY 300-FEET NORTH OF THE INTERSECTION AT US HIGHWAY 27 AND NW 46TH TERRACE (PARCEL 21509+001-02), APPROXIMATELY 1.85 ACRES (CASE NO. ZON24-45698); 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 following described lands are hereby rezoned and reclassified according to the zoning regulation of the City of Ocala, Florida, as B-2, Community Business:

SECTION 03, TOWNSHIP 15, RANGE 21, 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 zoning map of the City of Ocala is hereby amended to reflect the change

in zoning classification from B-2, Community Business (County), to B-2, Community Business (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 the later of:

- (a) Approval by the mayor, or upon becoming law without such approval; or
- (b) The effective date of Ordinance No. 202X-_____ (Ref: Land Use Case LUC24-45697)

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: 7/2/2024
Adopted: Click or tap to enter a date.
Legal Ad No: Click or tap here to enter text.