

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 annex approximately 25.67 acres for property located approximately 600-feet north of the intersection at US Highway 27 and NW 49th Avenue, (Parcel 21509-001-01 and 21509+001-01) (Case ANX24-45693) (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 property area consists of a developed tract for drainage retention and a remainder property from the original Shops at Foxwood plat. The subject property area is currently located in unincorporated Marion County and zoned PUD, Planned Unit Development (County), with an underlying Commercial Future Land Use classification (County).

The petitioner is requesting to annex the properties into the City to connect to existing utilities and facilitate future multi-family residential development. The subject properties are contiguous to City limits to the south; the annexation into the City limits does not create an enclave. Marion County owns and maintains an existing water well site within the boundaries of the property (separately identified by Parcel Number 21509-001-00), which is accessed via dedicated utility easements and not subject to the annexation request.

Adequate public facilities exist to service the subject properties. The petitioner has submitted concurrent applications for a Land Use Change to Low Intensity (Case: LUC24-45694) and Rezoning to R-3, Multifamily Residential (Case: ZON24-45695).

FINDINGS AND CONCLUSIONS: The subject properties are contiguous to the City limits, and the annexation into the City limits does not create an enclave. 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
- Foxwood Commons PUD Approval Letter
- Foxwood III Plat

ORDINANCE 2024-XX

AN ORDINANCE ANNEXING TO THE CITY OF OCALA, FLORIDA CERTAIN 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), APPROXIMATELY 25.67 ACRES (ANX24-45693), 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 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 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.