

ORDINANCE 2019-28

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING ZONING; AMENDING SUBSECTION 59-3(A)(1) PROVIDING FOR LOCATION CRITERIA AND SAFETY STANDARDS BY REPLACING "PUD" WITH "PD;" AMENDING SECTION 86-1 PROVIDING FOR DEFINITIONS BY AMENDING DEFINITIONS FOR "FINAL DEVELOPMENT ORDER" AND "PRELIMINARY DEVELOPMENT ORDER;" AMENDING SUBSECTION 86-2(E) PROVIDING FOR APPLICATION FOR CERTIFICATE OF CAPACITY BY DELETING LANGUAGE RELATED TO PUDS; AMENDING SUBSECTION 86-11(G) AND 86-11(I)(2) BY DELETING LANGUAGE RELATED TO UNPLATTED PUDS; AMENDING SUBSECTION 106-1(A)(2) PROVIDING FOR EXTENSIONS OF EXPIRATION DATES AND PERFORMANCE DEADLINES UNDER DEVELOPMENT PERMITS BY DELETING EXTENSIONS RELATED TO PLANNED UNIT DEVELOPMENTS; AMENDING SUBSECTION 106-34(C)(1) PROVIDING FOR VESTED RIGHTS BY DELETING REFERENCE TO APPROVED PLANNED UNIT DEVELOPMENT; AMENDING SECTION 106-105 PROVIDING FOR HOUSING INCENTIVE FUND PAYMENTS AND WAIVERS OF CERTAIN REQUIREMENTS FOR MULTIPLE-UNIT OR MULTIPLE SINGLE-UNIT DEVELOPMENT; LIMITATION BY DELETING REFERENCES TO THE PUD ZONING DISTRICT; AMENDING SECTION 110-163 PROVIDING FOR PLANNED UNIT DEVELOPMENT (PUD) OR PLANNED DEVELOPMENT (PD) BY DELETING REFERENCES TO THE PUD ZONING DISTRICT AND THE FINAL SITE PLAN; AMENDING SECTION 114-3 PROVIDING FOR DEFINITIONS BY DELETING THE DEFINITION FOR "PLANNED UNIT DEVELOPMENT SUBDIVISION "AND" PUD SUBDIVISION;" AMENDING SECTION 114-4 PROVIDING FOR APPLICABILITY OF CHAPTER; COMPLIANCE WITH CHAPTER BY DELETING REFERENCES TO PUD SUBDIVISIONS; REPEALING SUBSECTION 114-32(C) PROVIDING FOR PRE-CONCEPTUAL PLAN (STEP 1) PROCEDURE; REPEALING SUBSECTION 114-33(4) PROVIDING FOR PRE-CONCEPTUAL PLAN (STEP 1), CONTENTS AND DATA; REPEALING SUBSECTION 114-34(J) PROVIDING FOR CONCEPTUAL PLAN (STEP 2) PROCEDURE; REPEALING SUBSECTION 114-35(27) PROVIDING FOR CONCEPTUAL PLAN (STEP 2) CONTENTS AND SUPPLEMENTARY MATERIALS; AMENDING SECTION 122-91 PROVIDING FOR GENERALLY BY REPLACING "PUD" WITH "PD;" AMENDING SUBSECTION 122-241(7) PROVIDING FOR ZONING DISTRICTS BY REPLACING REFERENCES TO THE PUD ZONING DISTRICT WITH REFERENCES TO THE PD ZONING DISTRICT; AMENDING SUBSECTION 122-244(B) PROVIDING FOR DISTRICT CRITERIA BY DELETING REFERENCES TO THE PUD ZONING DISTRICT; REPEALING CHAPTER 122, ARTICLE V, DIVISION 28 PROVIDING FOR PLANNED UNIT DEVELOPMENT DISTRICTS AND PLACING ITS SECTIONS IN RESERVE; AMENDING SECTION 122-940 PROVIDING FOR INTENT AND PURPOSE BY CLARIFYING THE INTENT OF THE PD ZONING

DISTRICT; AMENDING SUBSECTION 122-941(B) PROVIDING FOR REZONING BY AMENDING THE LOCATIONAL AND USE REQUIREMENTS; AMENDING SUBSECTION 122-942(A)(4) PROVIDING FOR STANDARDS BY ADDING AN OPEN SPACE REQUIREMENT FOR SINGLE-USE RESIDENTIAL PD PROJECTS AND CLARIFYING EXISTING OPEN SPACE REQUIREMENTS; AMENDING SECTION 122-943 PROVIDING FOR PD PLAN APPLICATION/MATERIALS BY CLARIFYING THE INTENT AND MOVING REQUIREMENTS FROM THE SITE PLAN OR CONCEPTUAL SUBDIVISION PLAN STAGE REGARDING LANDSCAPE, STREETScape, SIGNAGE, AND ARCHITECTURAL DESIGN TO THE PD PLAN STAGE, AND REQUIRING EVIDENCE THAT A REQUIRED NEIGHBORHOOD MEETING WAS CONDUCTED; AMENDING SECTION 122-944 PROVIDING FOR SITE PLANS OR CONCEPTUAL SUBDIVISION PLANS FOR PROPERTY ZONED PD BY CLARIFYING THE INTENT, DELETING REQUIRED PUBLIC HEARINGS FOR SITE PLANS, AND DELETING PHASING, LANDSCAPING, AND STREETScape DESIGN REQUIREMENTS THAT ARE MOVED TO THE PD PLAN PHASE; REPEALING SECTION 122-945 PROVIDING FOR DEVELOPMENT TIME LIMITS; AMENDING SECTION 122-946 PROVIDING FOR CHANGES TO APPROVED PD PLANS BY MANDATING PUBLIC HEARINGS WHEN SUBSTANTIAL CHANGES ARE MADE TO PD PLANS AND ADDING CHANGES TO DESIGN STANDARDS AS SUBSTANTIAL CHANGES THAT REQUIRES COUNCIL APPROVAL; ADDING SECTION 122-948 PROVIDING FOR PREVIOUSLY APPROVED PUD ZONING; ADDING SECTION 122-949 PROVIDING FOR NEIGHBORHOOD MEETINGS; AMENDING SECTION 122-1042 PROVIDING FOR DEFINITIONS BY AMENDING THE DEFINITION FOR "RESIDENTIAL;" AMENDING SUBSECTION 122-1241(B) PROVIDING FOR APPLICABILITY OF DIVISION BY REPLACING "PUD" WITH "PD;" PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. That subsection 59-3(a)(1) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 59-3. - Location criteria and safety standards.

(a) *Location restrictions.*

- (1) Newspaper dispensers shall only be allowed on properties with, and public right-of-way adjacent to, the following zoning designations: R-3, O-1, OP, PD, B-1, B-2, B-3C, FBC, B-4, B-5, SC, M-1, M-2, M-3, INST and GU.

Section 2. That section 86-1 of the Code of Ordinances, City of Ocala, Florida is hereby amended by amending the following definitions, which shall be codified such that all definitions are in alphabetical order:

Sec. 86-1. - Definitions.

Final development order means one of the following:

- (1) Approved development of regional impact (DRI);
- (2) Final site plan;
- (3) Final shopping center site plan;
- (4) Final residential plat with executed developer's agreement;
- (5) Building permit; or
- (6) Concurrency development agreement (for purposes of transportation concurrency only).

Preliminary development order means one of the following:

- (1) Rezoning;
- (2) PD plan;
- (3) Comprehensive plan amendment;
- (4) Subdivision conceptual plan;
- (5) Improvement and construction subdivision plans;
- (6) Final commercial or industrial subdivision plat; or
- (7) Shopping center conceptual site plan.

Section 3. That subsection 86-2(e) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 86-2. - Application for certificate of capacity.

- (e) Subject to the provisions of section 86-2A, each application will be reviewed on a first come, first served basis. As each application is filed, capacity (if available) will be temporarily reserved pursuant to section 86-2A until the final disposition of the development order on which the application was based. Applications for expansion to existing development will be reviewed only for the impact of the expansion. If the application is approved, the reservation becomes permanent upon payment of the capacity reservation fee. The reservation fee must be paid within 15 calendar days of the final disposition of the underlying development order. Subject to the provisions of section 86-2A, if an application cannot be approved because of temporary reservations preceding it, it may remain in the system until the temporary reservations are converted to permanent, or released to the pool. The concurrency status of an application which remains in the system because of temporary reservations preceding it will be determined no later than ten days

following the disposition of the temporary reservations that caused the application to be held in the system. Subject to the provisions of section 86-2A, in cases where two or more applicants are in need of the same facility that is near capacity, the first application received shall have first priority in the determination. An application that is ready for final disposition can supersede the temporary reservation of an application ahead of it only if sufficient capacity is available to serve both the initial application and the superseding application.

Section 4. That subsection 86-11(g) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 86-11. - Public school concurrency.

- (g) *Review procedure.* The city will not approve final plats, and residential site plans until the applicant has complied with the terms of the ILA and this section.

Section 5. That subsection 86-11(i)(2) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 86-11. - Public school concurrency.

- (2) As to multi-family site plans or PDs which do not require platting, the determination will expire unless horizontal construction commences within 12 months after the date of issuance of the SCD letter, and construction proceeds with reasonable diligence thereafter.

Section 6. That subsection 106-1(a)(2) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 106-1. - Extensions of expiration dates and performance deadlines under development permits.

- (2) *Development permit.* Any of the following development permits, orders, approvals, developer's agreements or similar matters issued, given, or entered into, by the city concerning a project. Following the description of the development permit are the code or statute section referring to the development permit, and the obligation or other matter thereunder that is subject to the extension under this section:

Development Permit	Code or Statute Section	Matter Subject to Extension
Certificate of capacity issued for an	Section	Period for which certificate is valid. No

underlying development order (as defined in section 86-1) that does not have an expiration date	86-6(b) of this code	further extension is provided by this section for a certificate of capacity for an underlying development order that is being extended pursuant to this section; rather, such certificate of capacity is extended to the extent that the underlying development order is extended by this section.
Conceptual plan	Section 114-36(b)(2) of this code	Developer's obligation to submit improvement and construction plans within 12 months of conceptual plan approval, or any extension of time that has been granted under such section.
Conceptual plan, and improvement in construction plans	Section 114-38(d) of this code	Developer's obligation to submit copies of the final plat and required supplementary material after approval of the improvement and construction plans, or any extension of time that has been granted under such section.
Developer's agreement	Section 114-39(e) and (f) of this code	Time period to complete subdivision improvements. This section does not excuse the developer from providing, or extend the time for the developer to provide, adequate assurance or replacement adequate assurance.
Special exception	Section 122-74(b) of this code	Time period for which the action for which the special exception is granted must be begun or completed.
Variance	Section 122-97 of this code	Time period to obtain issuance of a building permit and begin construction.
Nonconforming use	Section 122-176(a) of this code	Time period which a nonconforming use of land or a building ceases or is discontinued.
Site plan	Section 122-220 of this code	Time period an approved site plan remains valid, or any extension of time that has been granted under such section.
Rezoning approval, or small scale		Time frame for the execution of the

comprehensive plan amendment approval, pursuant to ordinance adopted by city specifically providing that rezoning or comprehensive plan amendment is not effective until a subsequent developer's agreement is entered into between the developer and the city		developer's agreement.
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Section 7. That subsection 106-34(c)(1) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 106-34. - Vested rights.

- (1) *Exempted development orders.* The following development orders shall be vested for the purposes of consistency and concurrency with the comprehensive plan for the time period in which they are permitted and shall not be required to file for a determination of vested rights:
- a. *Building permit.* Any site with an unexpired building permit pursuant to this Code issued prior to the adoption date of the comprehensive plan.
 - b. *Approved final site plan.* A final site plan approved by the city building department pursuant to section 122-212 prior to the adoption date of the comprehensive plan.
 - c. *Approved shopping center plan.* Any final shopping center site plan pursuant to chapter 122, article V, division 29 that has received approval from the city council prior to the adoption date of the comprehensive plan.
 - d. *Developments of regional impact (DRI).* All developments of regional impact continuing in good faith pursuant to their approved development order.

Section 8. That section 106-105 of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 106-105. - Housing incentive fund payments and waivers of certain requirements for multiple-unit or multiple single-unit development; limitation.

Procedures for housing incentive fund payments and waivers of certain RZL requirements for multiple-unit or multiple single-unit development, including new rental units, are as provided in this section.

- (1) *Application.* At a pre-hearing conference, the developer will inform the city building, zoning and licensing department of the intent to apply for payment of fees from the housing

incentive fund and/or development modifications as provided in this section. The developer must submit a conceptual site plan and data including a layout of the project showing buildings, parking and internal streets, the frontage of the project along city streets, and information on the units including square footage and number of bedrooms. Housing incentive fund credits will be pro-rated based on the percentage of affordable units. Development projects including at least four units must consist of a minimum of twenty percent affordable units to qualify for housing incentive fund payments. Housing incentive fund payments may be attributed to a maximum of forty percent of the units of a development project. Developers certify that the proposed affordable housing units will be affordable as defined in section 106-102, and meet minimum housing standards for participation in this program. A written agreement must be submitted to the building official by the developer or his agent which states that the set-aside and affordable unit requirements will be met, representing a contract between the city and the applicant.

- (2) *Fees eligible for payment from the housing incentive fund.* Permitting fees must be paid in their entirety by the developer for the percentage of dwelling units not set aside for eligible low-income households. Eligible fees include:
- a. Building.
 - b. Plumbing.
 - c. Electrical.
 - d. Mechanical.
 - e. Gas.
 - f. Fire review fee.
 - g. Site plan review fee.
 - h. Site permit fee.
 - i. Fees to access city-owned drainage retention areas.
 - j. Water and sewer impact fees.
 - k. Water meter charges.
 - l. Sidewalks.
 - m. Fire impact fee.
 - n. Education impact fee.
 - o. Transportation impact fee.
- (3) *Housing incentive fund distributions.* Housing incentive fund distributions shall not exceed \$10,000 per affordable housing unit.
- (4) *City commitment of payment.* City council may commit payment from the housing incentive fund after application has been made per paragraph (1). City council may waive fees listed in (2)g. through (2)i. of this section if there are insufficient housing incentive funds.

- (5) *Process for payment through housing incentive fund escrow deposit or lien; certification of occupancy by low-income household.* Before payment through the housing incentive fund for eligible units, the developer must agree to pay those fees if the unit is not occupied by an eligible low-income household. The developer must allow a lien to be placed on each unit, which stipulates that reimbursable liens will be paid back to the city if a low-income household does not occupy the unit.
- a. Prior to issuance of a certificate of occupancy for any affordable housing unit within any development under this program, the proposed occupant of the unit must submit documentation and complete and sign a letter of certification, as provided through the building department, attesting to qualifications as an eligible low-income household. The city will place a lien on the properties at the time of transfer to the homeowner to ensure that the units remain occupied by an eligible low-income household for at least ten years. The value of the lien will be reduced by 10 percent of the total original lien value each year that the unit is occupied by a low-income household until the lien is released at the end of the tenth year. If the unit is sold, leased, transferred or rented to an ineligible household during that period, the city may require repayment of the remaining lien amount for all fees paid out of the affordable housing incentive fund or waived under subsection (2) of this section. For custom units built for a specific client where possession of the lot is transferred to the client before building permits are pulled, a letter of certification and title opinion will not be required when the city has placed the lien on the property prior to the application for building permits. After determination of income eligibility and the recording of the lien ensuring occupancy by an eligible low-income household, the monies paid into the escrow account or the lien placed ensuring payment of fees will be released.
 - b. Requirements in this section regarding liens and certifications may be waived by the city upon documentation that the affordable units are restricted to occupancy by low-income households through bond covenants or other such restrictions that allow for an independent audit and certification of such residency.
- (6) *Permitted modifications for zero lot line developments.* Modifications for affordable housing developments may include but shall not be limited to the following:
- a. Master landscape plan.
 - b. Lot size.
 - c. Building height.
 - d. Pedestrian access.
 - e. Parking.
 - f. Open space requirements.

g. Street network. Street design shall at a minimum be such that it minimizes through traffic and responds to the needs of the street system, including infrastructure proposed and the topographic conditions of the site at the time of plat approval.

1. Entry parkways which provide attractive entranceways designed to be included in the conceptual plans must meet minimum standards for street construction regarding paved cross section width, median width and turn lane width, as established by the city or the state department of transportation in the developer's agreement, as approved by the planning and zoning commission and city council.

2. Neighborhood local streets and loop collectors, which carry traffic through neighborhoods and distribute traffic throughout the development shall meet minimum width requirements as determined by the city and the planning and zoning commission.

Modifications per subsections (6)a. through (6)g. of this section must be reviewed by the planning and zoning commission and approved by the city council during the normal RZL review process.

(7) *Developer's agreement.* Details pertaining to conveyance or dedication of right-of-way, park facilities or public facilities, to include easements or water, sewer or storm lines installed in the right-of-way, shall be as identified in the developer's agreement and approved by the site plan review committee for each portion of the subject property or the project in its entirety. The property's designation as RZL, and any modifications as approved through the planning and zoning commission and city council, shall be identified in the developer's agreement.

Section 9. That section 110-163 of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 110-163. - Planned development (PD).

All signage in a PD shall be approved by city council as part of the PD plan process.

Section 10. That section 114-3 of the Code of Ordinances, City of Ocala, Florida is hereby amended by deleting the definitions for "planned unit development subdivision" and "PUD subdivision."

Section 11. That section 114-4 of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 114-4. - Applicability of chapter; compliance with chapter.

- (a) *Application.* This chapter shall apply to all lands presently within the incorporated limits of the city, and to any lands that may in the future be annexed to and be made a part of the city.
- (b) *Subdivisions to be platted.*
- (1) Except as set forth in subsection (2) below, no land shall be subdivided, and no building or structure or any part thereof constructed in any area that has been so subdivided, after effective date of this ordinance unless the land is platted and subdivided pursuant to the provisions of this chapter.
 - (2) The platting requirement set forth in subsection (1) above shall be waived upon the occurrence of all of the following:
 - a. Unanimous agreement of the city engineer, city building official, and the director of the city's planning department;
 - b. The land being divided is not part of a common development scheme and does not share common infrastructure;
 - c. Each division of the land is greater than ten acres in size;
 - d. No new streets or alleys are being established; and
 - e. If so requested by the city, the land owner enters into a developer's agreement containing provisions that adequately protect the city from the potential consequences that could arise from allowing the land to be subdivided without compliance with the platting process.
- (c) *Compliance with chapter.* In order to subdivide land and file a plat thereof, all requirements as set out in this chapter shall be met and the procedures set forth in this chapter shall be followed.

Section 12. That subsection 114-32(c) of the Code of Ordinances, City of Ocala, Florida is hereby repealed.

Section 13. That subsection 114-33(4) of the Code of Ordinances, City of Ocala, Florida is hereby repealed.

Section 14. That subsection 114-34(j) of the Code of Ordinances, City of Ocala, Florida is hereby repealed.

Section 15. That subsection 114-35(27) of the Code of Ordinances, City of Ocala, Florida is hereby repealed.

Section 16. That section 122-91 of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-91. - Generally.

The board of adjustment shall authorize, upon appeal from the decision of the building official, in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in practical difficulties. No variances shall be granted with respect to property zoned PD or SC.

Section 17. That subsection 122-241(7) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-241. - Zoning districts.

(7) *Planned development districts.*

PD, planned development

Section 18. That subsection 122-244(b) of the Code of Ordinances, City of Ocala, Florida is hereby amended by deleting references to the PUD zoning district, such that the amended subsection shall read as follows:

Sec. 122-244. District criteria.

(b) All zoning districts must be consistent with the adopted comprehensive plan, which includes land use classifications. The following chart illustrates zoning districts allowed under each land use classification in the adopted comprehensive plan. The land use classifications are listed on the horizontal axis and the permissible zoning districts are listed below:

ZONING DISTRICTS ALLOWED UNDER EACH LAND USE CLASSIFICATION

Central Core	Medium Intensity	Low Intensity	Neighborhood	Employment Center	Public
R-1	R-1	R-1	R-1		
R-IA	R-IA	R-IA	R-IA		
R-IAA	R-IAA	R-IAA	R-IAA		
R-2	R-2	R-2	R-2		
R-3	R-3	R-3	R-3		
RZL	RZL	RZL	RZL		
RBH-1		RBH-1	RBH-1		
RBH-2		RBH-2	RBH-2		
RBH-3		RBH-3	RBH-3		
OH		OH	OH		
RO	RO	RO	RO		
O-1	O-1	O-1		O-1*	

OP	OP	OP		OP*	
B-1	B-1	B-1	B-1	B-1*	
B-1A	B-1A	B-1A	B-1A	B-1A*	
B-2	B-2	B-2		B-2*	
B-2A	B-2A	B-2A		B-2A*	
B-3C					
	B-4	B-4		B-4*	
		B-5****		B-5*	
SC	SC	SC		SC*	
	M-1	M-1		M-1	
	M-2	M-2		M-2	
				M-3	
G-U	G-U	G-U	G-U	G-U	G-U
INST	INST	INST	INST	INST	
	A-1***	A-1***	A-1 ***	A-1***	
PD	PD	PD	PD	PD	
FBC	FBC	FBC	FBC	FBC	FBC

* Residential units are only allowed as part of a Planned Development (PD) Zoning District.

*** As of June 1, 2014, a rezoning application for A-1 must be associated with an annexation case where a portion of the annexed property is already zoned A-1 in the County.

**** B-5 zoning shall be consistent with the Low Intensity Future Land Use Classification for parcels located within the North Magnolia CRA Subarea boundary.

Section 19. That chapter 122, article V, division 28 of the Code of Ordinances, City of Ocala, Florida is hereby repealed and its sections placed in reserve:

DIVISION 28. - RESERVED

Secs. 122-821-122-900. - Reserved.

Section 20. That section 122-940 of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-940. - Intent and purpose.

- (a) A planned development (PD) zoning district is intended to provide a process for the evaluation of unique, individually planned developments, which may not be otherwise permitted in zoning districts established by this chapter. Standards and procedures of this district are intended to promote flexibility of design and permit planned diversification and integration of uses and structures, while at the same time retaining the absolute authority and discretion of city council to establish such conditions, stipulations, limitations and

restrictions as it deems necessary to protect the public health, safety and general welfare. In so doing, the PD district is designed to:

- (1) Be consistent with the city's adopted 2035 vision plan principals and the comprehensive plan;
 - (2) Promote more efficient and economic uses of land;
 - (3) Encourage development that is more compatible with contiguous lands;
 - (4) Provide flexibility to meet changing needs, market trends, technologies, economics, and consumer preferences;
 - (5) Encourage a mix of land uses which can reduce roadway transportation impacts;
 - (6) Preserve to the greatest extent possible and utilize existing landscape features and amenities;
 - (7) Provide for more usable and suitably located recreational facilities, open spaces and scenic areas, either commonly owned or publicly owned, than would otherwise be provided under conventional land development procedures;
 - (8) Reduce development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities;
 - (9) Permit a more desirable built environment than would be possible through the strict application of minimum requirements of the city's other zoning and subdivision regulations;
 - (10) Allow for flexibility in the combining and coordinating of architectural styles, building forms, and building relationships; and
 - (11) Permit modifications to specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the proposed development of the subject site, where necessary to the public health, safety, or welfare, or for the protection or preservation of lands either internal or external to the planned development.
- (b) A PD district is designed to allow an applicant to submit a proposal for consideration, for any use or any mixture of uses. For the purpose of this division, permitted general uses shall only include residential, office, retail, service, institutional, existing or new temporary (as set forth below) agricultural uses (including replacement of any existing uses), and light industrial/manufacturing uses, but shall not include heavy industrial/manufacturing uses or new agricultural uses, except that new agricultural uses may be permitted on a temporary basis for a maximum of ten (10) years if the PD plan permits such uses and provides the permitted duration of such uses. However, all specific uses shall be consistent with section 122-3 and article V of this chapter and shall require approval in the PD plan by city council.

Section 21. That subsection 122-941(b) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-941. - Rezoning.

- (b) A rezoning to PD with a PD plan shall meet the following minimum requirements:
- (1) One-acre minimum site;

- (2) A five-acre or more site shall include at least two uses with any one use not less than ten percent (acreage or square footage) of the total site, except in the case of residential developments, which are permitted to be single-use;
- (3) Must be located on a public roadway with at least 100 feet of frontage.

Section 22. That subsection 122-942(a)(4) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-942. - Standards.

- (4) Open space. Open space requirements for a PD are as follows:
 - a. Open space shall include active and passive recreation areas such as courtyards, streetscapes/sidewalks, playgrounds, golf courses, waterways, landscaped yards and patios, lagoons, floodplains, nature trails, roof areas, and other similar open spaces. Water retention areas that are designed as aesthetic lakes or ponds for passive or active recreational use may also be counted as open space, as long as these areas are designed to retain a minimum of three feet of water at all times.
 - b. Fenced water retention areas, open water areas beyond the perimeter of the site, street right-of-way, driveways, off-street parking areas and off-street loading areas shall not be counted in determining open space. Side yards less than six feet wide shall not be counted as open space.
 - c. Open space shall be clustered into larger tracts/areas. Buildings and structures should be clustered so that the open space is usable to the occupants/residents rather than merely providing spacing between buildings or structures. Zero lot line and clustered design is encouraged. Front, side and rear yards in single-family residential areas shall not be counted as aggregate open space.
 - d. There shall be a minimum open space requirement of 25 percent of the total gross acreage for all development in any PD project. For single-use residential PD projects, the minimum open space requirement shall be 40 percent. At least ten percent of the total required open space shall be in usable aggregate form. Aggregate open space is defined as common open space areas that are designed and intended for use by all occupants/residents of a PD.

Section 23. That section 122-943 of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-943. - PD plan application/materials.

- (a) A PD plan shall meet the intent of the planned development (PD) zoning district as defined in section 122-940, and shall include the following information:
 - (1) A title opinion;

- (2) A statement as to the intensity/density of the proposed uses and such supporting evidence or documentation as the applicant deems relevant;
 - (3) A statement of variations from code of ordinances shall be included;
 - (4) The title of the project and the names of the design professionals/developer, legal description, boundary survey, scale, date, north arrow and general location map;
 - (5) Boundaries of the property involved, all existing streets, buildings, watercourses, easements, section lines, and other existing important features in and contiguous to the project;
 - (6) A plan showing general locations of the permitted uses and examples of proposed building elevations/roadway types;
 - (7) A chart or table identifying (acres or square footage) the proposed uses, open space, recreational facilities, and off-street parking/loading;
 - (8) Circulation plan showing access from existing streets and the proposed ingress and egress for the development. The plan shall show the general pattern of internal vehicular and pedestrian flow, the interrelationship of vehicular flow between the land uses and between different phases, and how vehicular traffic will be separated from pedestrian and other types of traffic through sidewalks and jogging or walking paths;
 - (9) General information shall be included describing or outlining existing conditions of the site, including information on drainage and topography;
 - (10) General information on any architectural features, building orientation, covenants, land characteristics and available utilities;
 - (11) Proposed phases;
 - (12) Master landscape & tree preservation, signage, and streetscape plans; and
 - (13) Landscape, streetscape, signage, architectural standards, and use restrictions specific to the proposed development shall be required and included in a separate set of documents (a "PD standards book") to be reviewed for conformance with this division.
 - (14) Evidence that a required neighborhood meeting, as described in section 122-949, was conducted prior to submitting the PD plan for review. Evidence shall include a copy of the advertisement published in the newspaper, a copy of the mailed notice, a copy of the address labels used, and a written summary of the issues related to the development proposal discussed.
- (b) A PD plan shall provide sufficient information to define the general character of the development. The amount of detail contained in the PD plan may vary based on the size and scope of the project. The planning and zoning commission and city council may require additional reasonable information to assist it in determining the impact of the proposed project on surrounding uses. A developer's agreement between the city and developer may be submitted as part of the PD plan approval process.

- (c) Within the Urban Infill/Redevelopment Area designated by the comprehensive plan, requirements of subsection 122-942(a)(2) through and including subsection 122-942(a)(5) may be waived at the planning director's discretion for the purpose of developing affordable housing, as defined in section 106-102.

Section 24. That section 122-944 of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-944. - Site plans or conceptual subdivision plans.

- (a) If a site plan, or a conceptual subdivision plan, for property zoned PD is not in substantial compliance with the PD plan, it shall go back through the public hearing process for PD plan approval.
- (b) The following information shall be required for a site plan or conceptual subdivision plan on property zoned PD:
 - (1) The evidence of unified control of the proposed PD and the agreements required under subsection 122-942(a)(5);
 - (2) Building locations/types/elevations/orientations, architectural features (exterior building materials, facade colors, windows and roof lines) and lighting;
 - (3) A tree survey of all trees four inches or more in diameter at designated breast height (DBH) shall be provided. The PD plan shall show an attempt to retain as many indigenous trees as possible. Trees to be saved and trees to be removed shall be designated on the PD plan. Additional density/intensity may be considered in return for the preservation of trees on-site;
 - (4) All stormwater and utility plans;
 - (5) All fences, walls, berms and planting screens and their location, height and materials; and
 - (6) Tabulations analyzing the number of total gross acres in the project and the percentages thereof proposed to be devoted to various uses, off-street parking/loading, streets, open space and stormwater.
 - (7) Any additional information that is required by this division to be depicted on a PD plan or determined by the planning director to be appropriate for inclusion in the PD plan to assist in the determination of whether the PD plan should be approved.
- (c) If a conceptual site development plan was approved for property that was zoned PUD or PD prior to the effective date of this ordinance (), a PD plan shall be heard by the planning and zoning commission and city council at advertised public hearings and adopted by resolution prior to a new site plan or conceptual subdivision plan being approved for the property.

Section 25. That section 122-945 of the Code of Ordinances, City of Ocala, Florida is hereby repealed.

Section 26. That section 122-946 of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-946. - Changes to approved PD plans.

- (a) Substantial changes to a PD plan shall require city council approval, and any revised PD plan approved by city council shall be adopted by resolution prior to approval of a site plan or conceptual subdivision plan that includes substantial changes. A revised PD plan proposing substantial changes shall meet all requirements of this division and shall be heard at public hearings before the planning and zoning commission and city council after due public notice. Changes in land uses and density/intensity greater than five percent shall be considered substantial. For purposes of this subsection, other substantial changes are defined as: changes to project access, circulation plan, land use arrangement, buffers, a change to the approved PD standards book or the elements required to be included therein, and any other changes deemed substantial by the site plan review committee.
- (b) Allowable changes not considered substantial include:
 - (1) Minor changes in right-of-way alignment/access/circulation;
 - (2) Minor changes to buildings (architectural features) or changes in building orientation;
 - (3) Changes in number of units or building square footage of a specific use type less than five percent (e.g., a ten-acre, 80-unit townhouse site could become a 10.5-acre, 84-unit townhouse site); and
 - (4) Minor changes to dumpster locations, parking areas, open space/landscaping/trees, utilities, sidewalks and accessory uses.

Such allowable changes shall be approved by the site plan review committee. Any dispute arising from such changes shall be heard by the planning and zoning commission and its recommendation forwarded to city council for approval or denial.

Section 27. That section 122-948 of the Code of Ordinances, City of Ocala, Florida is hereby added to read as follows:

Sec. 122-948. - Previously approved PUD zoning.

Property with PUD zoning: (a) on the effective date of this ordinance (2019-28) that was approved by city council; or (b) at the time of the property's annexation that was approved by the county prior to such annexation and such PUD zoning classification has not been changed as of the effective date of this ordinance (2019-28), shall be automatically deemed to have a PD zoning classification. Any previously approved site plans or conceptual subdivision plans in

conflict with the requirements of this division on such property prior to the adoption of this ordinance, or such annexation, shall not be considered non-conforming.

Section 28. That section 122-949 of the Code of Ordinances, City of Ocala, Florida is hereby added to read as follows:

Sec. 122-949. - Neighborhood meetings.

- (a) Prior to filing an application with the city for a PD zoning designation, the applicant shall be required to hold a neighborhood meeting. The purpose of the neighborhood meeting is to educate occupants and owners of nearby lands about the proposed development and application, receive comments, address concerns about the development proposal, and resolve conflicts and outstanding issues, where possible. If the planning director determines a follow-up meeting is necessary to resolve conflicts and outstanding issues that arose in the first neighborhood meeting, the planning director may require a second neighborhood meeting. In cases where there is no residential development on nearby lands, the planning director may waive the neighborhood meeting requirement.
- (1) *Time and place.* The neighborhood meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application. It shall be scheduled after 5:00 p.m. on a weekday. The planning director may grant a waiver from the requirement to hold the neighborhood meeting after 5:00 p.m. on a weekday if the applicant demonstrates, in writing, that a particular hardship or undue burden exists that prevents them from holding the neighborhood meeting after 5:00 p.m. on a weekday.
- (2) *Notification.* The applicant shall provide notification of the neighborhood meeting a minimum of ten business days in advance of the meeting by placing notice in a newspaper of general circulation and by mailing notice to all owners and occupants within 300 feet of the land subject to the application. The list of owners within 300 feet of the affected property shall be obtained by the applicant from the most recent version of the property owners of record provided by the Marion County Property Appraiser. The City of Ocala planning department shall be notified of all neighborhood meetings a minimum of ten business days in advance of the meeting. The notification shall state the time and place of the meeting. The city may invite additional people who may have an interest in the development.
- (3) *Conduct of meetings.* At the neighborhood meeting, the applicant shall explain the development proposal and application, inform attendees of the character and nature of the process for review, and respond to comments and questions neighbors may have about the application and propose ways to resolve conflicts. The applicant shall display materials that they intend to submit for its PD plan to the meeting, including the PD plan and architectural elevations or other design elements to be included in the PD Standards Book.

- (4) *Staff attendance.* City staff may attend the neighborhood meeting for the purpose of advising the attendees regarding applicable provisions of these LDRs, but shall not serve as facilitators or become involved in negotiations at the neighborhood meeting.
- (5) *Written summary of neighborhood meeting.* The applicant shall provide the city a written summary of the neighborhood meeting. The written summary shall include a list of those in attendance, a summary of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information the applicant deems appropriate. The written summary of the neighborhood meeting shall be included with the application materials, and be made available to the public for inspection.
- (6) *Response to summary.* Any party in attendance at the neighborhood meeting may submit an additional written summary indicating their understanding of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information they deem appropriate. This written summary may include a response to the applicant's written summary of the neighborhood meeting. The written summary shall be included with the application materials, and be made available for public inspection.

Section 29. That section 122-1042 of the Code of Ordinances, City of Ocala, Florida is hereby amended by amending the following definitions, which shall be codified such that all definitions are in alphabetical order:

Sec. 122-1042. - Definitions.

Residential means the following zoning districts as defined in this article: R-1, IA, R-IAA, R-2, R-3, RO, RZL, RBH, OH, MH, PD, O-I, OP, B-1 and B-1A zoning districts. The characterization of these districts pursuant to this definition shall have no application outside of this division.

Section 30. That subsection 122-1241(b) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-1241. - Applicability of division.

- (b) All setbacks shall be measured in feet, at right angles in each direction, from the centerline of the streets listed, unless otherwise specified. Where any portion of a street listed in this division lies within a residential district (R-1, R-1A, R-1AA, R-2, R-3, MH, PD or RO), the setback shall be determined by either the setback listed in this division or by the front yard requirement as determined by other sections of this chapter, in addition to the street width, whichever is greater.

Section 31. 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 32. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 33. This ordinance shall take effect upon approval by the Mayor, or becoming law without such approval.

ATTEST:

By: Angel B. Jacobs
Angel B. Jacobs
City Clerk

CITY OF OCALA

By: Mary S. Rich
Mary S. Rich
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on 3/25, 2019.

By: Reuben Kent Guinn
Reuben Kent Guinn
Mayor

Approved as to form and legality:

By: Patrick G. Gilligan
Patrick G. Gilligan
City Attorney

Ordinance No: 2019-28
Introduced: 3/5/2019
Adopted: 3/19/2019
Legal Ad No: A000949139 - 3/8/19