

ORDINANCE 2025-XX

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING ZONING; AMENDING SECTION 122-2A PROVIDING FOR DISTRICT USE CATEGORIES BY ADDING A DEFINITION OF “CONGREGATE LIVING FACILITY” AND REVISING THE DEFINITIONS OF “HEALTH CARE USE”, AND “RESIDENTIAL OPERATION”; AMENDING SUBSECTION 122-3 PROVIDING FOR DISTRICT USE DEFINITIONS BY ADDING DEFINITIONS FOR “ADDICTIONS RECEIVING FACILITY”, “SHORT TERM RENTAL RESIDENCE”, “RECOVERY RESIDENCE”, AND “RESIDENTIAL TREATMENT FACILITY” AND REVISING THE DEFINITIONS OF “ASSISTED LIVING FACILITY”, “BED AND BREAKFAST”, “COMMUNITY RESIDENTIAL HOME”, “FRATERNITY OR SORORITY HOUSE”, “ROOMING/BOARDING HOUSE”; AMENDING THE TABLE OF PERMITTED USES, SECTION 122-287, TO SPECIFY USES AS PERMITTED, PERMITTED BY SPECIAL EXCEPTION, OR PROHIBITED WITHIN CERTAIN DISTRICT USES AND ZONING DISTRICTS; AMENDING THE TABLE OF PERMITTED USES, SECTION 122-287, BY REVISING THE LEGEND FOR CERTAIN PERMITTED AND SPECIAL EXCEPTION USES; AMENDING SUBSECTION 122-312(1) PERTAINING TO RESIDENTIAL USES PERMITTED IN THE SINGLE-FAMILY RESIDENTIAL (R-1, R-1A, AND R-1AA) DISTRICTS; AMENDING SUBSECTION 122-332(1) PERTAINING TO RESIDENTIAL USES PERMITTED IN THE TWO-FAMILY RESIDENTIAL (R-2) DISTRICT; AMENDING SECTION 122-352 PERTAINING TO USES PERMITTED IN THE MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT; AMENDING SECTION 122-353 PERTAINING TO USES PERMITTED BY SPECIAL EXCEPTION IN THE MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT; AMENDING SUBSECTION 122-373(1) PERTAINING TO USES PERMITTED IN THE RESIDENTIAL OFFICE (RO) DISTRICT; AMENDING SECTION 122-423 PERTAINING TO USES PERMITTED IN THE RESIDENTIAL BUSINESS (RBH-1, RBH-2, AND RBH-3) DISTRICTS; AMENDING SUBSECTION 122-462(1) PERTAINING TO RESIDENTIAL USES PERMITTED IN THE AGRICULTURAL (A-1) DISTRICT; AMENDING SUBSECTION 122-502(6) PERTAINING TO HEALTH CARE USES PERMITTED IN THE INSTITUTIONAL (INST) DISTRICT; AMENDING SECTION 122-522 PERTAINING TO USES PERMITTED IN THE OFFICE (O-1) DISTRICT; AMENDING SUBSECTION 122-544 PERTAINING TO USES PERMITTED BY SPECIAL EXCEPTION IN THE OFFICE PARK (OP) DISTRICT; AMENDING SECTION 122-562 PERTAINING TO USES PERMITTED IN THE OFFICE HISTORIC (OH) DISTRICT; AMENDING SUBSECTION 122-583(1) PERTAINING TO RESIDENTIAL USES PERMITTED IN THE NEIGHBORHOOD

BUSINESS (B-1) DISTRICT; AMENDING SUBSECTION 122-603(1) PERTAINING TO RESIDENTIAL USES PERMITTED IN THE LIMITED NEIGHBORHOOD BUSINESS (B-1A) DISTRICT; AMENDING SUBSECTION 122-622(1) PERTAINING TO RESIDENTIAL USES PERMITTED IN THE COMMUNITY BUSINESS (B-2) DISTRICT; AMENDING SUBSECTION 122-622(6) PERTAINING TO HEALTH CARE USES PERMITTED IN THE COMMUNITY BUSINESS (B-2) DISTRICT; AMENDING SUBSECTION 122-625(1) PERTAINING TO RESIDENTIAL USES PERMITTED IN THE LIMITED COMMUNITY BUSINESS (B-2A) DISTRICT; AMENDING SUBSECTION 122-625(6) PERTAINING TO HEALTH CARE USES PERMITTED IN THE LIMITED COMMUNITY BUSINESS (B-2A) DISTRICT; AMENDING SUBSECTION 122-626 PERTAINING TO USES PERMITTED BY SPECIAL EXCEPTION IN THE LIMITED COMMUNITY BUSINESS (B-2A) DISTRICT; AMENDING SUBSECTION 122-702(1) PERTAINING TO RESIDENTIAL USES PERMITTED IN THE COMMUNITY REDEVELOPMENT AREA MIXED USE 2 (B-3C) DISTRICT; AMENDING SUBSECTION 122-702(6) PERTAINING TO HEALTH CARE USES PERMITTED IN THE COMMUNITY REDEVELOPMENT AREA MIXED USE 2 (B-3C) DISTRICT; AMENDING SUBSECTION 122-723(1) PERTAINING TO RESIDENTIAL USES PERMITTED IN THE GENERAL BUSINESS (B-4) DISTRICT; AMENDING SUBSECTION 122-723(6) PERTAINING TO HEALTH CARE USES PERMITTED IN THE GENERAL BUSINESS (B-4) DISTRICT; AMENDING SUBSECTION 122-724(1) PERTAINING TO RESIDENTIAL USES PERMITTED BY SPECIAL EXCEPTION IN THE GENERAL BUSINESS (B-4) DISTRICT; AMENDING SUBSECTION 122-743(1) PERTAINING TO RESIDENTIAL USES PERMITTED IN THE WHOLESALE BUSINESS (B-5) DISTRICT; AMENDING SECTION 122-744 PERTAINING TO USES PERMITTED BY SPECIAL EXCEPTION IN THE WHOLESALE BUSINESS (B-5) DISTRICT; AMENDING SECTION 122-1198 PROVIDING SUPPLEMENTAL REGULATIONS FOR ASSISTED LIVING FACILITIES AND TRANSITIONAL RECOVERY FACILITIES TO REMOVE REFERENCES AND REGULATIONS PERTAINING TO TRANSITIONAL RECOVERY FACILITIES; REPEALING SECTION 122-1207 PROVIDING FOR SUPPLEMENTAL REGULATIONS FOR TRANSITIONAL TREATMENT FACILITIES AND PLACING THE SECTION NUMBER IN RESERVE STATUS; REPEALING SECTION 122-1210 PROVIDING FOR SUPPLEMENTAL REGULATIONS FOR ROOMING AND BOARDING HOUSES AND PLACING THE SECTION NUMBER IN RESERVE STATUS; REPEALING SECTION 122-1219 PROVIDING FOR SUPPLEMENTAL REGULATIONS FOR FRATERNITY AND SORORITY HOUSES AND PLACING THE SECTION NUMBER IN RESERVE STATUS; ADDING SECTION 122-1230 PROVIDING FOR SUPPLEMENTAL REGULATIONS PERTAINING TO THE “CONGREGATE

LIVING FACILITY” DISTRICT USE CATEGORY; ADDING SECTION 122-1231 PROVIDING FOR SUPPLEMENTAL REGULATIONS PERTAINING TO SHORT TERM RENTAL RESIDENCES; 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 AN EFFECTIVE DATE.

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

Section 1. That Section 122-2A of the Code of Ordinances, City of Ocala, Florida is hereby amended by revising the following district use categories, which shall be codified such that all definitions in such section are in alphabetical order (all other district use categories and their definitions shall remain unchanged):

Sec. 122-2A District use categories.

Congregate living facility includes the uses: community work release facility; community residential home; fraternity or sorority house; rooming/boarding house; recovery residence; and residential treatment facility.

Health care use includes the uses: addictions receiving facility; assisted living facility; ~~community work release facility~~; dental laboratory; hospital; satellite hospital emergency room; medical and dental office; medical laboratory; neighborhood wellness center; ~~transitional/recovery facility~~; and veterinarian office.

Residential operation includes the uses: bed and breakfast; ~~community residential home~~; downtown residence, commercial; ~~fraternity or sorority house~~; home occupation; residence-gallery; residence-office; and ~~rooming/boarding house~~ short term rental residence.

Section 2. That Section 122-3 of the Code of Ordinances, City of Ocala, Florida is hereby amended by adding the following definitions, which shall be codified such that all definitions in such section are in alphabetical order (all other uses and their definitions shall remain unchanged):

Sec. 122-3 District uses definitions.

Addictions receiving facility means a secure, acute care facility that provides, at a minimum, detoxification and stabilization services; is operated 24 hours per day, 7 days per week; and is designated to serve individuals found to be substance use impaired as described in state statutes.

Assisted living facility means a facility providing 24-hour, year-round social and personal care and adult supervision for children, the elderly, and disabled adults. Such

residents occupying this type of facility are usually unable to care for themselves without the assistance of others. This category shall include nursing homes. This category shall not include a facility or dwelling defined as a community residential home, recovery residence, or ~~transitional recovery~~ residential treatment facility.

Bed and breakfast means a residential structure, with no more than 15 sleeping rooms, which has been modified to provide accommodation and meal services ~~or portion thereof where short term lodging rooms are provided~~ to overnight guests for commercial purposes. This category shall not include a building defined as a short term rental residence, recovery residence, residential treatment facility, ~~transitional/recovery facility (including a halfway house)~~, rooming/boarding house, fraternity/sorority house, assisted living facility or a community residential home.

Community residential home means a single-family residential dwelling licensed to serve clients of the state department of children and family services, which provides a living environment for a maximum of 14 unrelated residents (as defined in F.S. § 419.001(1)(a)) who operate as the functional equivalent of a family, including such supervision and personal care by supportive staff that meets the physical, emotional and social needs of the residents. For purposes of this subsection, the term "resident" means any of the following: A frail elder as defined in F.S. § 429.65(9), a physically disabled or handicapped person as defined in F.S. § 760.22(7)(a), a developmentally disabled person as defined in F.S. § 393.063(9), a nondangerous mentally ill person as defined in F.S. § 394.455(18), or a child as defined in F.S. §§ 39.01(14), 984.03(9) and (12), and 985.03(7). This category shall not include a facility defined as an assisted living facility, recovery residence, or residential treatment facility ~~transitional recovery facility~~.

Fraternity or sorority house means a building in which sleeping rooms are provided for occupancy by, and maintained as a place of residence exclusively for students affiliated with an academic college or university seeking an associates, bachelors or higher education degree, with or without meals, when approved and regulated by such institution. A fraternity or sorority house may include living quarters containing independent cooking facilities designed for the resident manager only. This category shall not include a building defined as a ~~transitional/recovery facility (including a halfway house)~~ recovery residence, residential treatment facility, community work release facility, rooming/boarding house or community residential home.

Rooming/boarding house means a building, or portion thereof, having at most one kitchen and used for the purpose of providing meals or lodging, ~~for pay or compensation of any kind~~ to more than two people, other than members of the family occupying such a dwelling. This category shall not include a building defined as a ~~transitional recovery facility (including a halfway house)~~ recovery residence, residential treatment facility, community work release facility, fraternity or sorority house or community residential home.

Short term rental residence means any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation more than three times in a calendar year for periods of less than 30 consecutive days or one calendar month, whichever is less; or any operation requiring licensure as a vacation rental by the state department of business and professional regulation.

~~Transitional/recovery facility~~ Recovery residence means: (1) a facility providing lodging for persons progressing from treatment or incarceration for alcoholism, drug addiction, criminal conduct, delinquency, mental or emotional illness or similar conditions, with the intention of returning its residents to normal participation in community life; or (2) a building that provides housing and a living environment for persons who have demonstrated a tendency towards alcoholism, drug abuse, anti-social or criminal conduct, and is operated to facilitate their reintegration into the community, but does not provide treatment for alcohol or drug abuse ~~(commonly referred to as a "halfway house")~~. This category shall not include a facility or dwelling defined as an addictions receiving facility, assisted living facility, hospital, medical/dental office, community work release facility, fraternity or sorority house, residential treatment facility, or community residential home.

~~Transitional treatment facility~~ Residential treatment facility means a building that provides housing and a highly-structured living environment for persons who have demonstrated a tendency towards alcoholism, drug abuse, mental or emotional illness or similar conditions, and is operated to facilitate their reintegration into the community with treatment services including counseling and medically assisted treatment services. Includes facilities providing intensive inpatient treatment as defined by State Statutes. This use shall not include a facility or dwelling defined as an addictions receiving facility, assisted living facility, ~~transitional recovery facility~~ recovery residence, hospital, medical/dental office, community work release facility, fraternity or sorority house, or community residential home.

Section 3. That Section 122-287 (Table of Permitted Uses) of the Code of Ordinances, City of Ocala, Florida, is hereby amended as follows (all other rows of the Table and its Legend shall remain unchanged):

Sec. 122-287. Table of permitted uses.

The following table identifies what uses are permitted without exception, permitted with conditions, and permitted by special exception in the various zoning districts. The uses are listed on the vertical axis and the zoning districts are listed on the horizontal axis. Any section number associated with a use refers to a location in this chapter that contains the conditions associated with the permitted use or special exception.

Symbols within cells have the following meaning:																								
Blank cell = Prohibited X = Permitted SE = Special Exception																								
X# = Permitted use with conditions SE# = Special exception with conditions																								
Use Category	Use Type	A-1	R-1	R-2	R-3	RZL	RBH	OH	MH	RO	O-1	OP	B-1	B-1A	B-2	B-2A	B-3C	B-4	B-5	SC	M-1	M-2	M-3	INST

RESIDENTIAL USES																						
Residential Operation	Bed and breakfast				X30		SE23/X30A	X30							X	X	X					
	Community residential home	X11C	X11A	X11B	X11C	-	-	-	-	-	-	-	-	-	X11C	X11C	X11D	X11D	X11C	X11D	-	X11C
	Downtown residence, commercial																X					
	Fraternity or sorority house	-	-	-	SE51	-	-	-	-	-	-	-	-	-	-	X51	X51	-	X51	-	-	-
	Home occupation	X18	X18	X18	X18	X18	X9 X18		X18													
	Residence-gallery	X		SE	SE	SE		X		X	X32	X3B	X	X	X	X		SE	SE			
	Residence-office	X		SE	SE	SE		X		X	X32	X3B	X	X	X	X		SE	SE			
	Rooming/boarding house	-	-	-	SE13	-	-	-	-	-	-	-	-	-	-	X-	X-	X-	SE-	-	-	-
	Short term rental residence	X57	X57	X57	X57	X57	X57	X57	X57	X57	X57	X57	X57	X57	X57	X57	X57	X57	X57	X57	-	-
Congregate Living Facility	Community residential home	X11C X56	X11A X56	X11B X56	X11C X56	-	-	-	-	-	-	-	-	-	X11C X56	X11C X56	X11D X56	X11D X56	X11C X56	X11D X56	-	X11C X56
	Community work release facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE47	-	-
	Fraternity or sorority house	-	-	-	SE53	-	-	-	-	-	-	-	-	-	-	X56	X56	-	X56	-	-	-
	Rooming/boarding house	-	-	-	SE53	-	-	-	-	-	-	-	-	-	-	X	X	X	SE53	-	-	-
	Recovery residence	-	-	-	SE53	-	-	-	-	-	-	-	-	-	-	X56	SE53	-	X56	-	-	-
	Residential treatment facility	-	-	-	-	-	-	-	-	-	-	SE53	-	-	-	X56	SE53	-	X56	-	-	-
		-	-	-	-	-	-	-	-	-	-	-	-	-	-	X56	SE53	-	X56	-	-	-
HEALTH CARE USES																						
Health Care Use	Addictions receiving facility	-	-	-	-	-	-	-	-	-	-	SE	-	-	-	-	-	-	-	-	-	X
	Assisted living facility			SE17	X20						X20 X32	X20			X20	X20	X20	X20				
	Community work release facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE47	-	-	-
	Hospital											SE										X
	Medical and dental laboratory										X32	X			X	X	X	X	X	X	X	
	Medical and dental office on major and minor arterials									X	X32	X	X	X	X	X	X	X	X	X		
	Medical and dental office on local and collector streets								SE	X32	X	X	X	X	X	X	X	X	X			
	Neighborhood wellness center				SE24																	
	Satellite Hospital Emergency Room																	X	X	X		X
	Transitional/recovery facility	-	-	-	SE17	-	-	-	-	-	-	-	-	-	X20	X20	-	X20	-	-	-	-
	Transitional treatment facility	-	-	-	-	-	-	-	-	-	-	-	-	-	X43	X43	-	X43	-	-	-	-
	Veterinarian office	X										X32	SE	X7	X7	X	X	X	X	X	X	

Legend

Reference	Citation
X	Permitted use.
X11A	Maximum of six unrelated residents per single-family residential dwelling.

X11B		Maximum of eight unrelated residents per single-family residential dwelling.
X11C		Maximum of 12 unrelated residents per single-family residential dwelling.
X11D		Maximum of 14 unrelated residents per single-family residential dwelling.
X20	122-1198	Assisted living facilities and transitional recovery facilities.
X32	122-526(2)	Architectural review.
X43	122-1207-	Transitional treatment facility.-
X51	122-1219-	Fraternity or sorority house.-
<u>X56</u>	<u>122-1230</u>	<u>Congregate Living Facilities.</u>
<u>X57</u>	<u>122-1231</u>	<u>Short term rental residences.</u>
SE		<i>Special exception</i>
SE13	122-1210	Criteria for a rooming/boarding house.-
SE17	122-1198	Assisted living facilities and transitional recovery facilities.
SE47	122-1216	Community work release facility.
SE51	122-1219-	Fraternity or sorority house.-
<u>SE53</u>	<u>122-1230</u>	<u>Congregate Living Facilities.</u>

Section 4. That Subsection 122-312(1) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-312 Permitted Uses.

The following uses are permitted in the single-family residential (R-1, R-1A, R-1AA) districts:

(1) *Residential uses:*

a. *Residential operation:*

1. ~~Community residential home, maximum of six unrelated residents per single-family residential dwelling~~ Short term rental residence (reference section 122-1231).
2. Home occupation (reference article IX, division 4 of this chapter).

b. *Residential type:* Single-family dwelling.

c. *Congregate Living Facilities:*

1. Community residential home, maximum of six unrelated residents per single-family residential dwelling.

Section 5. That Subsection 122-332(1) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-332 Permitted Uses.

The following uses are permitted in the two-family residential (R-2) district:

(1) *Residential uses:*

a. *Residential operation:*

1. ~~Community residential home, maximum of eight unrelated residents per single-family residential dwelling~~ Short term rental residence (reference section 122-1231).
 2. Home occupation (reference article IX, division 4 of this chapter).
- b. *Residential type:*
1. Single-family dwelling.
 2. Two-family dwelling.
- c. *Congregate Living Facilities:*
1. Community residential home, maximum of eight unrelated residents per single-family residential dwelling.

Section 6. That Section 122-352 of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-352 Permitted uses.

The following uses are permitted in the multi-family residential (R-3) district:

(1) *Residential uses:*

- a. *Residential operation:*
 1. Bed and breakfast (reference section 122-1211)
 2. ~~Community residential home, maximum of twelve unrelated residents per single-family residential dwelling~~ Short term rental residence (reference section 122-1231).
 3. Home occupation (reference article IX, division 4 of this chapter).
- b. *Residential type:*
 1. Multi-family dwelling (subject to architectural review requirements in subsection 122-216(t)).
 2. Single-family dwelling.
 3. Single-family (attached) dwelling unit (reference section 122-357).
 4. Two-family dwelling.
- c. *Congregate Living Facilities: Community residential home, maximum of twelve unrelated residents per single-family residential dwelling.*

(2) *Retail uses:* None permitted.

(3) *Service uses:* Conference center (reference section 122-1213).

(4) *Education/recreation/social uses:* None permitted.

(5) *Public uses:* None permitted.

(6) *Health care uses:* Assisted living facility (reference section 122-1198)

(7) *Industrial uses:* None permitted.

Section 8. That Section 122-353 of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-353 Special Exceptions.

The following uses are permitted by special exception in the multi-family residential (R-3) district:

(1) *Residential uses:*

a. *Residential operation:*

1. ~~Fraternity or sorority house (reference section 122-1219).~~
2. Residence – Gallery.
3. Residence – Office.
4. ~~Rooming/boarding house (reference section 122-1210).~~

b. *Residential type:* None permitted.

c. *Congregate Living Facilities:*

1. Fraternity or sorority house (reference section 122-1230).
2. Rooming/boarding house (reference section 122-1230).
3. Recovery residence (reference section 122-1230).

(2) *Retail uses:* None permitted.

(3) *Service uses:*

- a. *Agricultural use:* None permitted.
- b. *Business service:* Parking lot.
- c. *Eating and drinking establishment:* None permitted.
- d. *Hospitality and tourism:* Antique gallery/art gallery/museum.
- e. *Office use:* Professional and business office.
- f. *Personal service:* None permitted.
- g. *Vehicular service:* None permitted.

(4) *Education/recreation/social uses:*

- a. *Adult use establishment:* None permitted.
- b. *Community service:*
 1. Church/place of worship (reference section 122-1195).
 2. Day care facility (reference article IX, division 5 of this chapter).
 3. Private club.
- c. *Educational use:* None permitted.
- d. *Recreational use:* Recreation facility, indoor.

(5) *Public uses*: Park/open space area.

(6) *Health care uses*:

a. *Health care use*: [Neighborhood Wellness Center \(reference section 122-1222\).](#)

~~1. Neighborhood Wellness Center (reference section 122-1222).~~

~~2. Transitional recovery facility (reference section 122-1198).~~

(7) *Industrial uses*: None permitted.

Section 9. That Subsection 122-373(1) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-373 Permitted uses.

The following uses are permitted in the residential office (RO) district:

(1) *Residential uses*:

a. *Residential operation*:

1. Residence—Gallery.

2. Residence—Office.

3. [Short term rental residence \(reference section 122-1231\).](#)

b. *Residential type*:

1. Single-family dwelling.

2. Two-family dwelling.

Section 10. That Section 122-423 of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-423 Permitted uses.

(a) Uses permitted in the residential business historic district are subdivided into three use groups, RBH-1, RBH-2 and RBH-3, according to function and intensity. Permitted uses are as follows:

(1) *RBH-1.*

a. Bed and breakfast in the medium and high-density residential land use classification (reference section 122-1211).

b. Multi-family dwellings limited to a maximum of eight units per gross acre.

c. Single-family dwelling.

d. Two-family dwellings.

e. [Short term rental residence \(reference section 122-1231\).](#)

(2) *RBH-2.*

a. Bed and breakfast in the medium and high-density residential land use classification (reference section 122-1211).

- b. Multi-family dwellings limited to a maximum of eight units per gross acre.
- c. Professional offices.
- d. Single-family dwelling.
- e. Two-family dwellings.
- f. [Short term rental residence \(reference section 122-1231\).](#)

(3) *RBH-3.*

- a. Antique gallery/shop.
- b. Art gallery/shop.
- c. Barbershop (limited to three stations).
- d. Bed and breakfast in the medium and high-density residential land use classification (reference section 122-1211).
- e. Beauty shop (limited to three stations).
- f. Books and stationery.
- g. Bridal shop.
- h. Dressmaker.
- i. Gift shop.
- j. Handcrafted items shop.
- k. Interior decorator.
- l. Multi-family dwellings limited to a maximum of eight units per gross acre.
- m. Photography studio.
- n. Professional offices.
- o. Shoeshine and shoe repair shop.
- p. Single-family dwelling.
- q. Soap and candle shop.
- r. Tailor.
- s. Two-family dwellings.
- t. [Short term rental residence \(reference section 122-1231\).](#)

(b) The following uses are permitted by special exception in the residential business historic (RBH) district:

- (1) Bed and breakfast in the low density residential land use classification (reference section 122-1211).
- (2) Parking lot (free of charge).

(c) Property zoned residential business historic (RBH) before the effective date of Ordinance No. 2154 shall be considered RBH-3.

Section 11. That Subsection 122-462(1) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-462 Permitted uses.

The following uses are permitted in the agricultural (A-1) district:

(1) *Residential uses:*

a. *Residential operation:*

1. ~~Community residential home, maximum of 12 unrelated residents per single family residential dwelling.~~ Short term rental residence (reference section 122-1231).
2. Home occupation (reference article IX, division 4 of this chapter).
3. Residence—Gallery.
4. Residence—Office.

b. *Residential type:* Single-family dwelling.

c. *Congregate Living Facilities:*

1. Community residential home, maximum of twelve unrelated residents per single-family residential dwelling.

Section 12. That Subsection 122-502(6) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-502 Permitted uses.

The following uses are permitted in the institutional (INST) district:

(6) *Health care uses:*

- a. Hospital.
- b. Satellite hospital emergency room.
- c. Addictions receiving facility.

Section 13. That Section 122-522 of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-522 Permitted uses.

The following uses are permitted in the office (O-1) district:

(1) *Residential uses:*

a. *Residential operation:*

1. Residence—Gallery.
2. Residence—Office.
3. Short term rental residence (reference section 122-1231).

- b. *Residential type*: Single-family dwelling.
- c. *Congregate Living Facilities*: None permitted.

(2) *Retail uses*:

- a. *General retail*: Pharmacy (reference section 122-1227).
- b. *Vehicular sales*: None permitted.

(3) *Service uses*:

- a. *Agricultural use*: None permitted.
- b. *Business service*: None permitted.
- c. *Eating or drinking establishment*: None permitted.
- d. *Hospitality and tourism*: None permitted.
- e. *Office Use*:
 - 1. Financial institution.
 - 2. Professional and business offices.
- f. *Personal service*: None permitted.
- g. *Vehicular service*: None permitted.

(4) *Education/recreation/social uses*:

- a. *Adult use establishment*: None permitted.
- b. *Community service*: None permitted.
- c. *Educational use*: Speech and language center/school.
- d. *Recreational use*: None permitted.

(5) *Public uses*: None permitted.

(6) *Health care uses*:

- a. *Health care use*:
 - 1. Assisted living facility (reference section 122-1198).
 - 2. Medical and dental laboratories.
 - 3. Medical and dental offices.
 - 4. Veterinarian office (reference section 122-526).

(7) *Industrial uses*: None permitted.

Section 14. That Subsection 122-544 of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-544 Special Exceptions.

The following uses are permitted by special exception in the office park (OP) district:

- (1) *Residential uses*: Residential treatment facility (reference section 122-1230).

- (2) *Retail uses*: None permitted.
- (3) *Service uses*: None permitted.
- (4) *Education/recreation/social uses*: None permitted.
- (5) *Public uses*: Parks/open space areas.
- (6) *Health care uses*:
 - a. *Health care uses*:
 - 1. Hospital.
 - 2. Veterinarian office.
 - 3. [Addictions receiving facility](#).

(7) *Industrial uses*: None permitted.

Section 15. That Section 122-562 of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-562 Permitted principal uses.

The following uses are permitted without exception in the office historic (OH) zoning district:

- (1) *Residential uses*:
 - a. *Residential operation*:
 - 1. Bed and breakfast (reference section 122-1211).
 - 2. Residence—Gallery.
 - 3. Residence—Office.
 - 4. [Short term rental residence \(reference section 122-1231\)](#).
 - b. *Residential type*:
 - 1. Single-family dwelling.

- (2) *Retail uses*: None permitted.
- (3) *Service uses*: Professional and business office.
- (4) *Education/recreational/social uses*: None permitted.
- (5) *Public uses*: None permitted.
- (6) *Health care uses*: None permitted.
- (7) *Industrial uses*: None permitted.

Section 16. That Subsection 122-583(1) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-583 Permitted principal uses.

The following uses are permitted without exception in the neighborhood business (B-1) district:

(1) *Residential uses:*

a. *Residential operation:*

1. ~~Community residential home (maximum of 12 unrelated residents per single-family residential dwelling)~~ Short term rental residence (reference section 122-1231).
2. Residence—Gallery.
3. Residence—Office.

b. *Residential type:*

1. Single-family dwelling.
2. Two-family dwelling.

c. *Congregate Living Facilities: Community residential home, maximum of twelve unrelated residents per single-family residential dwelling.*

Section 17. That Subsection 122-603(1) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-603 Permitted principal uses.

The following uses are permitted in the limited neighborhood business (B-1A) district, with a maximum of 6,000 square feet.

(1) *Residential uses:*

a. *Residential operation:*

1. ~~Community residential home (maximum of 12 unrelated residents per single-family residential dwelling)~~ Short term rental residence (reference section 122-1231).
2. Residence—Gallery.
3. Residence—Office.

b. *Residential type:*

1. Single-family dwelling.
2. Two-family dwelling.

c. *Congregate Living Facilities: Community residential home, maximum of twelve unrelated residents per single-family residential dwelling.*

Section 18. That Subsection 122-622(1) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-622 Permitted principal uses.

The following uses are permitted without exception in the community business (B-2) district.

(1) *Residential uses:*

a. *Residential operation:*

1. Bed and breakfast.
 2. ~~Community residential home, maximum of 14 unrelated residents per single-family residential dwelling~~ Short term rental residence (reference section 122-1231).
 3. Residence—Gallery.
 4. Residence—Office.
 5. ~~Rooming/boarding house.~~
- b. *Residential type:*
1. Single-family dwelling.
 2. Single-family dwellings (attached).
 3. Two-family dwelling.
- c. Congregate Living Facilities:
1. Community residential home, maximum of 14 unrelated residents per single-family residential dwelling.
 2. Recovery residence (reference section 122-1230).
 3. Residential treatment facility (reference section 122-1230).
 4. Rooming/boarding house (reference section 122-1230).

Section 19. That Subsection 122-622(6) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-622 Permitted principal uses.

The following uses are permitted without exception in the community business (B-2) district.

(6) *Health care:*

- a. *Health care use:*
 1. Assisted living facility (reference section 122-1198).
 2. Medical and dental laboratory.
 3. Medical and dental office.
 4. ~~Transitional recovery facility (reference section 122-1198).~~
 5. ~~Transitional treatment facility (reference section 122-1207).~~
 6. Veterinarian office.

Section 20. That Subsection 122-625(1) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-625 Permitted uses.

The following uses are permitted without exception in the limited community business (B-2A) district:

(1) *Residential uses:*

a. *Residential operation:*

1. Bed and breakfast.
2. ~~Community residential home, maximum of 14 unrelated residents per single-family residential dwelling~~ Short term rental residence (reference section 122-1231).
3. Residence—Gallery.
4. Residence—Office.
5. ~~Rooming/boarding house.~~

b. *Residential type:*

1. Single-family dwelling.
2. Single-family dwellings (attached).
3. Two-family dwelling.

c. *Congregate Living Facilities:*

1. Community residential home, maximum of 14 unrelated residents per single-family residential dwelling.
2. Rooming/boarding house (reference section 122-1230).

Section 21. That Subsection 122-625(6) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-625 Permitted uses.

The following uses are permitted without exception in the limited community business (B-2A) district:

(6) *Health care:*

- a. Assisted living facility (reference section 122-1198).
- b. Medical and dental laboratory.
- c. Medical and dental office.
- d. ~~Transitional recovery facility (reference section 122-1198).~~
- e. ~~Transitional treatment facility (reference section 122-1207).~~
- f. Veterinarian office.

Section 22. That Subsection 122-626 of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-626 Special Exceptions.

The following uses are permitted as special exceptions in the limited community business (B-2A) district:

(1) *Residential uses:*

- a. Multi-family dwelling, (a maximum of 20 units per acre) subject to architectural review requirements in subsection 122-216(t).
- b. [Recovery residence \(reference section 122-1230\).](#)
- c. [Residential treatment facility \(reference section 122-1230\).](#)

(2) *Retail uses:* None permitted.

(3) *Service uses:* None permitted.

(4) *Education/recreation/social uses:* None.

(5) *Public uses:* Park/open space area.

(6) *Health care uses:* None permitted.

(7) *Industrial uses:* None permitted.

Section 23. That Subsection 122-702(1) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-702 Permitted principal uses.

The following uses are permitted without exception in the community redevelopment area mixed use 2 (B-3C) district:

(1) *Residential uses:*

a. *Residential operation:*

- 1. Bed and breakfast.
- 2. ~~Community residential home, maximum of 12 unrelated residents per single-family residential dwelling.~~ [Short term rental residence \(reference section 122-1231\).](#)
- 3. Downtown residence, commercial.
- 4. ~~Rooming/boarding house.~~

b. *Residential type:*

- 1. Multi-family dwelling unit (maximum 50 units per acre).
- 2. Single-family dwelling.
- 3. Two-family dwelling.

c. [Congregate Living Facilities:](#)

- 1. [Community residential home, maximum of 12 unrelated residents per single-family residential dwelling.](#)
- 2. [Recovery residence \(reference section 122-1230\).](#)
- 3. [Residential treatment facility \(reference section 122-1230\).](#)
- 4. [Rooming/boarding house \(reference section 122-1230\).](#)

Section 24. That Subsection 122-702(6) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-702 Permitted uses.

The following uses are permitted without exception in the community redevelopment area mixed use 2 (B-3C) district:

(6) *Health care uses:*

a. *Health care use:*

1. Assisted living facility (reference section 122-1198).
2. Medical and dental laboratories.
3. Medical and dental office.
4. Veterinarian office.

Section 25. That Subsection 122-723(1) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-723 Permitted uses.

The following uses are permitted without exception in the general business (B-4) district:

(1) *Residential uses:*

a. *Residential operation:* Short term rental residence (reference section 122-1231).

1. ~~Community residential home, maximum of 14 unrelated residents per single-family residential dwelling.~~
2. ~~Fraternity or sorority house (reference section 122-1219).~~

b. *Residential type:*

1. Single-family dwelling (reference section 122-1194).
2. Two-family dwelling.

c. Congregate Living Facilities:

1. Community residential home, maximum of 14 unrelated residents per single-family residential dwelling.
2. Fraternity or sorority house (reference section 122-1230).
3. Recovery residence (reference section 122-1230).
4. Residential treatment facility (reference section 122-1230).

Section 26. That Subsection 122-723(6) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-723 Permitted uses.

The following uses are permitted without exception in the general business (B-4) district:

(6) *Health care uses:*

b. *Health care use:*

1. Assisted living facility, subject to the requirements of section 122-1198.
2. Medical and dental laboratory.
3. Medical and dental office on major and minor arterials.
4. Medical and dental office on local and collector streets.
5. ~~Transitional recovery facility, subject to the requirements of section 122-1198.~~
6. ~~Transitional treatment facility, subject to the requirements of section 122-1207.~~
7. Veterinarian office.
8. Satellite hospital emergency room.

Section 27. That Subsection 122-724(1) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-724 Special exceptions.

The following uses are permitted in the general business (B-4) district by special exception:

(1) *Residential uses:*

a. *Residential operation:*

1. Residence—Gallery.
2. Residence—Office.
3. ~~Rooming/boarding house.~~

b. *Residential type:*

1. Multi-family dwelling (a maximum of 30 units per acre) subject to architectural review requirements in subsection 122-216(t).

c. *Congregate Living Facilities:*

1. Rooming/boarding house (reference section 122-1230).

Section 28. That Subsection 122-743(1) of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-743 Permitted uses.

The following uses are permitted without exception in the wholesale business (B-5) district:

(1) *Residential uses:*

- a. *Residential operation:* ~~None permitted.~~ Short term rental residence (reference section 122-1231).
- b. *Residential type:* Single-family dwelling (reference section 122-1194).

Section 29. That Section 122-744 of the Code of Ordinances, City of Ocala, Florida

is hereby amended to read as follows:

Sec. 122-744 Special exceptions.

The following uses are permitted in the wholesale business (B-5) district by special exception:

(1) *Residential uses:*

a. *Residential operation:*

1. Residence—Gallery.
2. Residence—Office.

b. *Residential type:*

1. Multi-family dwelling (a maximum of 30 units per acre) subject to architectural review requirements in subsection 122-216(t).

c. *Congregate Living Facilities: Community work release facility (reference section 122-1216).*

(2) *Retail uses:* None permitted.

(3) *Service uses:*

- a. *Agricultural use:* None permitted.
- b. *Business service:* None permitted.
- c. *Eating or drinking establishment:* None permitted.
- d. *Hospitality and tourism:* None permitted.
- e. *Office use:* None permitted.
- f. *Personal service:* None permitted.
- g. *Vehicular service:* None permitted.

(4) *Education/recreation/social uses:*

- a. *Adult use establishment:* None permitted.
- b. *Community service:* Open pavilion engagement center (reference section 122-1226).
- c. *Educational use:* None permitted.
- d. *Recreational use:*
 1. Golf course.
 2. Shooting ranges, indoor.
 3. Temporary commercial amusement (reference section 122-1201).

(5) *Public uses:* Park/open space area.

(6) *Health care uses:* ~~Community work release facility (reference section 122-1216)~~ None permitted.

(7) *Industrial uses:*

- a. *High-impact industrial use*: None permitted.
- b. *Low-impact industrial use*: Assembly or electronic components (reference section 122-1190).

Section 30. That Section 122-1198 of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-1198 Assisted living facilities ~~and transitional recovery facilities~~.

- (a) An assisted living facility shall be permitted in the R-2 district as a special exception, per section 122-1182, subject to the following provisions:
 - (1) A minimum of 300 square feet of indoor living space shall be provided for each occupant of the structure.
 - (2) Occupancy of the structure is not to exceed eight persons, including the owner or resident operator of the facility.
 - (3) An assisted living facility with R-2 zoning is allowed in the city's low, medium and high density residential land use designations.
 - (4) Parking requirements shall be as follows:
 - a. One parking space for each three persons occupying the structure;
 - b. One parking space for each employee; and
 - c. One parking space for each owner or resident operator of the structure.
 - (5) The structure shall meet the city building code requirements, life safety code requirements and housing code requirements pertaining to the intended use.
 - (6) The board of adjustment may place any reasonable special conditions on the applicant to ensure that the proposed use conforms with the residential character of the neighborhood; especially, the prevailing dwelling unit density, the anticipated number of nonresident employees, the availability of parking, and the use of fencing and landscaping of service areas to shield the facility from the surrounding neighborhood.
 - (7) The applicant must either be in possession of any license required by the state to operate such a facility, or be in the posture to receive a license. Under no circumstances will permits or occupational licenses be issued by any city department until such state license is presented to the building official.
- (b) An assisted living facility shall be a permitted use in the R-3, O-1, OP, B-2, B-2A and B-4 districts, subject to the following provisions:
 - (1) A minimum of 300 square feet of indoor living space shall be provided for each occupant of the structure.
 - (2) Parking requirements shall be as follows:
 - a. One parking space for each three beds; and
 - b. One parking space for each two employees.

- (3) An assisted living facility with R-3 zoning is allowed in the city's medium and high density residential land use designations.
 - (4) The number of units for an assisted living facility is based on the following: Two persons equals one unit for a facility with elderly residences that have some limitations for social and personal care, and three beds equals one unit for a facility for children, disabled adults and the elderly in nursing homes.
 - (5) The structure shall meet the city building code requirements, life safety code requirements and housing code requirements pertaining to the intended use.
 - (6) The applicant must either be in possession of any license required by the state to operate such a facility, or be in the posture to receive a license. Under no circumstances will permits or occupational licenses be issued by any city department until such state license is presented to the building official.
- ~~(e) A transitional recovery facility shall be a permitted use in the B-2, B-2A and B-4 districts, subject to the following provisions:~~
- ~~(1) A minimum of 300 square feet of indoor living space shall be provided for each occupant of the structure.~~
 - ~~(2) Parking requirements shall be as follows:~~
 - ~~a. One parking space for each three beds; and~~
 - ~~b. One parking space for each two employees.~~
 - ~~(3) All structures shall meet the city building code requirements, life safety code requirements, and housing code requirements pertaining to the intended use.~~
 - ~~(4) If a license to operate the facility is required by federal, state or local law, the applicant must either be in possession of such a license to operate such a facility, or be in the posture to receive a license. Under no circumstances will permits or occupational licenses be issued by any city department until such license is presented to the building official.~~
 - ~~(5) A transitional recovery facility shall adhere to all site plan requirements as per article IV of this chapter.~~
- ~~(d) A transitional recovery facility shall be permitted in the R-3 zoning district as a special exception, subject to the following provisions:~~
- ~~(1) The city council shall consider the application for a special exception pursuant to the provisions of:~~
 - ~~a. This subsection; and~~
 - ~~b. Article II, division 3 of this chapter but all references therein to the "zoning board of adjustment" or the "board of adjustment" shall be deemed to refer to the city council.~~
 - ~~(2) A minimum of 300 square feet of indoor living space shall be provided for each occupant of a structure.~~
 - ~~(3) Minimum parking requirements shall be as follows:~~

- ~~a.—One parking space for each three beds; and~~
- ~~b.—One parking space for each two employees.~~
- ~~(4) A transitional recovery facility shall not be permitted in the city's low density residential land use designation.~~
- ~~(5) A transitional recovery facility shall not be permitted in a historic district created or designated as such under chapter 94 of this Code or by United States Department of Interior National Park Service.~~
- ~~(6) All structures shall meet the city building code requirements, life safety code requirements, and housing code requirements pertaining to the intended use.~~
- ~~(7) If a license to operate the facility is required by federal, state or local law, the applicant must either be in possession of such a license to operate such a facility, or be in the posture to receive a license. Under no circumstances will permits or occupational licenses be issued by any city department until such license is presented to the building official.~~
- ~~(8) No transitional recovery facility shall be located within 1,000 feet of any other transitional recovery facility. The expansion of a facility under the same ownership that is permitted under subsection 122-1198(e) and contiguous (i.e., not separated by public right of way) to an R-3 zoned property, is not subject to this requirement. The distance requirements between two transitional recovery facilities shall be measured from property line to property line.~~
- ~~(9) City council may place any reasonable special conditions, in addition to those provided in this subsection and article II, division 3, of this chapter, on the special exception to ensure that the proposed use conforms with the residential character of the neighborhood; especially concerning: The prevailing dwelling unit density, the anticipated number of nonresident employees, lighting, service facilities, the type of activities and time limits regarding outdoor activities.~~
- ~~(10) A transitional recovery facility shall adhere to all site plan requirements as per article IV of this chapter.~~
- ~~(11) This special exception shall be limited to the proposed applicant or owner to whom the special exception is granted and shall be subject to the requirements of this subsection and article II, division 3 of this chapter. Any changes in ownership or to the use of the property will require a new special exception application.~~

Section 31. That Section 122-1207 of the Code of Ordinances, City of Ocala, Florida is hereby repealed and amended to read as follows:

Sec. 122-1207 ~~Transitional treatment facility.~~ Reserved.

- ~~(a) A transitional treatment facility shall be a permitted use in the B-2, B-2A and B-4 districts, subject to the following provisions:~~
 - ~~(1) A minimum of 300 square feet of indoor living space shall be provided for each occupant of the structure.~~
 - ~~(2) Parking requirements shall be as follows:~~

- ~~(3) All structures shall meet the city building code requirements, life safety code requirements, and housing code requirements pertaining to the intended use.~~
- ~~(4) If a license to operate the facility is required by federal, state or local law, the applicant must either be in possession of such a license to operate such a facility or be in the posture to receive a license. Under no circumstances will permits be issued by any city department until such license is presented to the building official.~~
- ~~(5) A transitional treatment facility shall adhere to all site plan requirements as per article IV of this chapter.~~
- ~~(6) No transitional treatment facility shall be located within 300 feet of any other transitional treatment facility or transitional recovery facility. This does not include a medical campus that may include these uses. The distance requirements shall be measured from property line to property line.~~
- ~~(7) A new transitional treatment facility shall not be located within 500 feet of any school. The distance requirements shall be measured from property line to property line.~~
- ~~(8) A transitional treatment facility shall adhere to the requirements of chapter 15, article 1 (Sexual predators and offenders).~~

Section 32. That Section 122-1210 of the Code of Ordinances, City of Ocala, Florida is hereby repealed and amended to read as follows:

Sec. 122-1210 ~~Criteria for rooming/boarding house.~~ Reserved.

- ~~(a) A rooming/boarding house shall be permitted, subject to the other provisions of this chapter and the following provisions:~~
 - ~~(1) The owner or manager must live on premises or provide sufficient supervision to ensure compliance with applicable laws.~~
 - ~~(2) The building must pass annual inspections by the building official.~~
 - ~~(3) The owner obtains an occupational license pursuant to this code. Such license:~~
 - ~~a. Shall only be issued and maintained if the building passes its annual inspections;~~
 - ~~b. Shall state the number of occupants allowed in the building; and~~
 - ~~c. Shall be conspicuously displayed in the building.~~
- ~~(b) A rooming/boarding house shall be permitted in the R-3 zoning district as a special exception, subject to the provisions in subsection (a) of this section and the following:~~
 - ~~(1) A minimum of 300 square feet of indoor living space shall be provided for each occupant of a structure.~~
 - ~~(2) Minimum parking requirements shall be as follows:~~
 - ~~a. One parking space for each three beds; and~~
 - ~~b. One parking space for each two employees.~~
 - ~~(3) A rooming/boarding house shall not be permitted in the city's low density residential land use designation.~~

- ~~(4) A rooming/boarding house shall not be permitted in a historic district created or designated as such under chapter 94 of this code or by United States Department of Interior National Park Service.~~
- ~~(5) All structures shall meet the city building code requirements, life safety code requirements, and housing code requirements pertaining to the intended use.~~
- ~~(6) No rooming/boarding house shall be located within 1,000 feet of any other rooming/boarding house. The distance requirements between two rooming/boarding houses shall be measured from property line to property line.~~
- ~~(7) The board of adjustment may place any reasonable special conditions, in addition to those provided in this subsection and article II, division 3, of this chapter, on the special exception to ensure that the proposed use conforms with the residential character of the neighborhood; especially concerning: the prevailing dwelling unit density, the anticipated number of nonresident employees, lighting, service facilities, the type of activities and time limits regarding outdoor activities.~~
- ~~(8) A rooming/boarding house shall adhere to all site plan requirements as per article IV of this chapter.~~
- ~~(9) This special exception shall be limited to the proposed applicant or owner to whom the special exception is granted and shall be subject to the requirements of this subsection and article II, division 3 of this chapter. Any changes in ownership or to the use of the property will require a new special exception application.~~

Section 33. That Section 122-1219 of the Code of Ordinances, City of Ocala, Florida is hereby repealed and amended to read as follows:

Sec. 122-1219 ~~Fraternity or sorority house criteria.~~ Reserved.

- ~~(a) A fraternity or sorority house shall be a special exception in the R-3 zoning district and a permitted use in the B-2, B-2A and B-4 zoning districts subject to the following:~~
 - ~~(1) A minimum of 300 square feet of indoor living space shall be provided for each occupant of the structure.~~
 - ~~(2) The applicant must identify the maximum number of occupants and provide a plan showing the size and location of the building, the proposed parking area, any outdoor area, the floor plan of the indoor living space, and the type of security.~~
 - ~~(3) Minimum parking requirements shall be as follows:~~
 - ~~a. One parking space for each three beds; and~~
 - ~~b. One parking space for each two employees.~~
 - ~~(4) A fraternity or sorority house shall not be permitted in the city's low density residential land use designation.~~
 - ~~(5) A fraternity or sorority house must be within a two-mile radius of the academic college or university campus affiliated with the fraternity or sorority. A fraternity or sorority house cannot be affiliated with a school that has only an internet presence or is primarily a correspondence, vocational or technical school.~~

- ~~(6) A fraternity or sorority house shall not be permitted in a historic district created or designated as such under chapter 94 of this Code or by the United States Department of Interior National Park Service.~~
- ~~(7) A fraternity or sorority house must comply with the city's noise regulations per section 34-171 of this Code.~~
- ~~(8) All structures shall meet the city building code requirements, life safety code requirements, and housing code requirements pertaining to the intended use.~~
- ~~(9) A fraternity or sorority house shall adhere to all site plan requirements as per article IV of this chapter.~~
- ~~(10) If required, the Board of Adjustment may place any reasonable special conditions, in addition to those provided in this subsection and article II, division 3 of this chapter, on the special exception to ensure that the proposed use conforms with the surrounding area; especially concerning the size of the building, the proposed outdoor areas, buffers, the number of occupants and security.~~
- ~~(11) The special exception shall be limited to the proposed applicant or owner to whom the special exception is granted and shall be subject to the requirements of this subsection and article II, division 3 of this chapter. Any changes in ownership or to the use of the property will require a new special exception application.~~
- ~~(b) Any fraternity or sorority house that, on the effective date of the adoption of this section:~~
 - ~~(1) Shall be a "nonconforming use of a structure pursuant to section 122-175 of this Code".~~
 - ~~(2) Notwithstanding the provisions of sections 122-171 and 122-176 of this Code:~~
 - ~~a. If the use of the structure changes, the structure shall cease to be a legal nonconforming use.~~
 - ~~b. If the ownership of the structure changes, the structure shall cease to be a legal nonconforming use.~~
 - ~~c. If the use of the structure discontinues for a period of more than one month, the structure shall cease to be a legal nonconforming use.~~
 - ~~d. If, pursuant to the foregoing, the structure ceases to be a legal nonconforming use, it may thereafter only be used in conformance with the provisions of subsection (a), of this section.~~

Section 34. That Section 122-1230 of the Code of Ordinances, City of Ocala, Florida is hereby established to read as follows:

Sec. 122-1230 Congregate Living Facilities.

(a) Applicability. This section shall apply to any use listed or described under the Congregate Living Facilities district use category, with the exception of:

1. Any facility housing 6 or fewer residents, which when exempted by State or Federal laws, may be considered a single-family use, and shall be considered a permitted use in all zoning districts and housing types where residential dwelling units are allowed.

2. Any facility meeting the definition of a Community Residential Home, and licensed by the state department of elderly affairs, agency of persons with disabilities, department of juvenile justice, department of children and family services, or agency for health care administration.
 3. Any facility licensed by the state department of corrections and meeting the definition of a Community Work Release Facility shall meet the provisions of section 122-1216 of this chapter.
- (b) General requirements for those uses described under the Congregate living facility use category.
1. Intensity of development. In order to ensure that the intensity of congregate living facilities remains in keeping with the other development allowed by this chapter, all congregate living facilities must conform to the density and intensity requirements of the future land use category.
 - a. The first 6 residents are considered one dwelling unit, and each additional 3 residents thereafter are deemed to equal one additional dwelling unit.
 - b. Facilities located within an institutional or business district may utilize a Floor Area Ratio (FAR) calculation for intensity, in lieu of residential density.
 2. A minimum of 300 square feet of indoor living space shall be provided for each occupant of the structure.
 3. Parking requirements shall be as follows:
 - a. One parking space for each three beds; and
 - b. One parking space for each two employees.
 4. All structures shall meet the city building code requirements, life safety code requirements, and housing code requirements pertaining to the intended use.
 5. If a license to operate the facility is required by federal, state, or local law, the applicant must either be in possession of such a license to operate such a facility, or be in the posture to receive a license. Under no circumstances will permits or occupational licenses be issued by any city department until such license is presented to the building official.
 6. Any facility shall adhere to all site plan requirements as per article IV of this chapter.
 7. Any facility shall adhere to the requirements of chapter 15, article 1 (sexual predators and offenders)
 8. Any facility must comply with the city's noise regulations per section 34-171 of this code.
 9. An owner or manager of any facility must live on premises or provide sufficient supervision to ensure compliance with applicable laws.
 10. The owner of any facility shall obtain a business tax receipt pursuant to chapter 62, article 3 of this code.

11. No congregate living facility shall be permitted in a historic district created or designated as such under chapter 94 of this code, or by the United States Department of Interior National Park Service.

(c) Standards for review of Special Exceptions pertaining to Congregate living facilities.

1. The city council shall consider the application for a special exception pursuant to the provisions of:
 - a. This subsection; and
 - b. Article II, division 3 of this chapter but all references therein to the “zoning board of adjustment” or the “board of adjustment” shall be deemed to refer to the city council.
2. The city council may place any reasonable special conditions on the applicant to ensure that the proposed use conforms with the surrounding area and/or residential character of the neighborhood; especially:
 - a. The prevailing dwelling unit density.
 - b. Proximity to residential uses, schools, churches, libraries, and other congregate living facilities.
 - c. Design of the facility.
 - d. The size of the building.
 - e. The number of occupants.
 - f. The anticipated number of nonresident employees.
 - g. The availability of parking.
 - h. Security of any proposed outdoor areas, and the activities and time limits for use of these areas.
 - i. The use of fencing and landscaping to shield the facility from the surrounding neighborhood.
 - j. Lighting.
 - k. Signage.
3. This special exception shall be limited to the proposed applicant or owner to whom the special exception is granted and shall be subject to the requirements of this subsection and article II, division 3 of this chapter. Any changes in ownership or to the use of the property will require a new special exception application.
4. When the city council finds that a proposed location for a congregate living facility would substantially alter the nature and character of an area, the special exception may be denied, except when such denial would violate protections provided under the state or federal Fair Housing Acts, the Americans with Disabilities Act, the Rehabilitation Act, or other state and federal laws regarding these types of uses.

(d) Separation requirements for Congregate living facilities.

1. No recovery residence shall be located within 1,000 feet of any other recovery residence. The expansion of an existing facility under the same ownership is not subject to this requirement. The distance between recovery residences shall be measured from property line to property line.
2. No residential treatment facility shall be located within 300 feet of any other residential treatment facility or recovery residence. This does not include a medical campus which may include these uses. The distance requirements shall be measured from property line to property line.
3. A new residential treatment facility shall not be located within 500 feet of any school.
4. No rooming/boarding house shall be located within 1,000 feet of any other rooming/boarding house. The distance requirements between two rooming/boarding houses shall be measured from property line to property line.
5. A fraternity or sorority house must be located within a 2-mile radius of the academic college or university campus affiliated with the fraternity or sorority. A fraternity or sorority house cannot be affiliated with a school that only has an internet presence or is primarily a correspondence, vocational, or technical school.

(e) Procedures for the review and approval of certified recovery residences.

The city manager, or designee, may administratively grant a waiver from the strict application of this chapter when pertaining to recovery residences certified under F.S. 397.487.

1. Appeals. The board of adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the city manager, or designee, in the administration and enforcement of this chapter. Any person aggrieved by the decision may appeal such decision to the circuit court, as provided by Florida Statutes.
2. Application for waiver. A written application shall be made to the growth management department. The application shall be date stamped upon receipt, and must include:
 - a. The name and contact information of the property owner, applicant, and the applicant's authorized agent, if applicable;
 - b. The name and contact information of the certified recovery residence administrator who will be actively managing the applicant recovery residence;
 - c. The property address and parcel identification number;
 - d. A site plan or sketch of the subject property drawn to scale, including the location of any parking and outdoor areas;
 - e. The number of occupants and anticipated number of nonresident employees;
 - f. Demonstration that the applicant is certified, or actively undergoing the process of being certified, by a state-approved credentialing agency; and
 - g. A description of the accommodation requested and the specific regulation or policy from which relief is sought.

If additional information is required, the city manager, or designee, shall notify the applicant in writing within the first 30 days after the receipt of the application.

3. Determination of waiver. The city manager, or designee, shall review the application and provide a final written determination on the application within 60 days after receipt of a completed application. The determination shall approve the request, in whole or in part, with or without conditions; or deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions for reconsideration. If a final written determination is not issued within 60 days, the request shall be deemed approved unless the city and the applicant agree in writing to a reasonable extension of time.
 - a. The city manager, or designee, may place any reasonable special conditions on the applicant to ensure that the proposed use conforms with the surrounding area and/or residential character of the neighborhood; especially:
 1. The prevailing dwelling unit density.
 2. Proximity to residential uses, schools, churches, libraries, and other congregate living facilities.
 3. Design of the facility.
 4. The size of the building.
 5. The number of occupants.
 6. The anticipated number of nonresident employees.
 7. The availability of parking.
 8. Security of any proposed outdoor areas, and the activities and time limits for use of these areas.
 9. The use of fencing and landscaping to shield the facility from the surrounding neighborhood.
 10. Lighting.
 11. Signage.
4. Revocation of waiver. A granted accommodation for a certified recovery residence may be revoked for cause including, but not limited to, a violation of the conditions of approval or the lapse, revocation, or failure to maintain certification required under F.S. 397.487, if not reinstated within 180 days.

(f) Existing and nonconforming uses.

Any legally existing congregate living facility use or operation prior to the effective date of this Ordinance (2025-) shall be deemed conforming.

Any such facility or operation that does not comply with the provisions of this section shall be a nonconforming use of a structure pursuant to section 122-175 of this code. Notwithstanding the provisions of sections 122-171 and 122-176 of this code:

1. If the use of the structure changes, the structure shall cease to be a legal nonconforming use.
2. If the ownership of the structure changes, the structure shall cease to be a legal nonconforming use.

3. If the use of the structure discontinues for a period of more than one month, the structure shall cease to be a legal nonconforming use.
4. If, pursuant to the foregoing, the structure ceases to be a legal nonconforming use, it may thereafter only be used in conformance with the provisions of subsection (a) of this section.

Section 35. That Section 122-1231 of the Code of Ordinances, City of Ocala, Florida is hereby established to read as follows:

Sec. 122-1231 Short term rental residences.

Short term rental residences are permitted in any zone designated for single-family or multi-family residential development. The owner of any short term rental residence shall obtain a business tax receipt pursuant to chapter 62, article 3 of this code, as appropriate.

Section 36. 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 37. 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 38. 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 39. 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 40. Direction to the Codifier. It is the intention of the City Council of the City of Ocala, Florida that (1) this ordinance shall become and be made a part of the City of Ocala Code of Ordinances (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 the City Council.

Section 41. Effective Date of Ordinance. 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: _____

Kristen M. Dreyer
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on _____,
2025.

By: _____

Ben Marciano
Mayor

Approved as to form and legality:

By:

William E. Sexton
City Attorney