

ORDINANCE

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING OUTDOOR STORAGE WITHIN THE M-1, LIGHT INDUSTRIAL ZONING DISTRICT; AMENDING SECTION 122-761 TO CLARIFY THE INTENT AND PURPOSE OF THE M-1, LIGHT INDUSTRIAL, ZONING DISTRICT; AMENDING SUBSECTION 122-763(3) TO SPECIFY DESIGN STANDARDS FOR OUTDOOR STORAGE AS AN ACCESSORY USE; REPEALING SECTION 122-767 TO REMOVE THE REQUIREMENT FOR A PUBLIC HEARING FOR ADDITIONAL OUTDOOR STORAGE AS AN ACCESSORY USE AND PLACING THE SECTION NUMBER IN RESERVE STATUS; AMENDING SECTION 122-1220 TO REMOVE REFERENCES TO REPEALED SECTION; PROVIDING DIRECTION TO STAFF; REPEALING INCONSISTENT AND/OR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY OF ORDINANCE PROVISIONS; PROVIDING FOR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 122-761 of the Code of Ordinances, City of Ocala, Florida is hereby amended as follows:

Sec. 122-761 Intent and purpose.

The light industrial (M-1) district is intended primarily for wholesale distribution, warehouse storage, research and development, showroom sales, and light manufacturing of finished or semi-finished products. The light industrial uses shall be compatible with the surrounding uses. Outdoor manufacturing is not allowed in the M-1 district. Outdoor storage is allowed as a permitted accessory use, if it complies with design criteria in section 122-763. ~~Additional outdoor storage, subject to design criteria (see section 122-767) can be requested as part of the public hearing process before the planning and zoning commission and city council. Service establishments serving the industrial uses or the district shall be permitted.~~ Specific uses shall be controlled by the standards for industrial performance in article VIII of this chapter.

Section 2. That Subsection 122-763(3) of the Code of Ordinances, City of Ocala, Florida is hereby amended as follows:

Sec. 122-763 Permitted accessory uses.

- (3) Outdoor storage for finished or semi-finished products that are utilized in the permitted principal use. The accessory use of outdoor storage shall not be approved until all the requirements of subsections 3(a) through 3(h) of this section are satisfied.

- a. The outdoor storage area and type of storage shall be identified on the site plan. The site plan shall identify the outdoor storage use as subordinate and subservient to the principal use.
- b. ~~a. The outdoor storage area must be contained and screened from public view shall be screened~~ with a design and materials (wall, fence, berm or landscaping) ~~approved as part of the site plan review process.~~ The Planning Director may reduce the extent of required screening where location and orientation of the proposed outdoor storage areas provides minimal impact to the adjoining properties and right-of-way.
- c. ~~b. The outdoor storage must be located in the side yards or rear yard. Corner lots must locate the outdoor storage area in the rear yard.~~
- d. ~~e. The outdoor storage area cannot be located in a required buffer.~~
- d. ~~The outdoor storage area must be located and its proposed use identified on the site plan for approval by the city's site plan review committee.~~
- e. The outdoor storage area cannot be part of the required off-street parking area or open space requirements of the site plan.
- f. The outdoor storage area cannot ~~exceed~~ be 3020 percent of the ~~gross floor area of main building or structure, up to a maximum of 10,000 square feet site area as defined by the approved site plan, or 10,000 square feet, whichever is greater.~~
- g. The outdoor storage area must be setback a minimum of 25 feet from any public right-of-way and 10 feet from abutting properties.
- h. The outdoor storage shall not exceed 15 feet in height from natural grade. An additional 10 feet in height may be approved by the Planning Director if the applicant demonstrates that the site plan will provide sufficient screening to accommodate the additional height of the materials to be stored.
- g. ~~The site plan cannot be approved until all the requirements of subsections (3)a through f of this section are satisfied.~~
- h. ~~An applicant can request additional outdoor storage, subject to design criteria (see section 122-767), as part of the public hearing process before the planning and zoning commission and city council.~~

Section 3. That Section 122-767 of the Code of Ordinances, City of Ocala, Florida is hereby repealed and amended to read as follows:

Sec. 122-767 ~~Approval of additional outdoor storage.~~ Reserved.

~~In lieu of the outdoor storage permitted as an accessory use in the M-1 district as defined in section 122-763, an applicant can apply for additional outdoor storage, subject to design criteria identified in this section. The process to obtain the additional outdoor storage requires two public hearings, one with the planning and zoning commission and the other with the city council. The planning and zoning commission is the recommending body and the city council has final authority. The planning and zoning commission will recommend for or against and the city council will approve or deny the additional outdoor storage, subject to the criteria identified in this section and any conditions and safeguards deemed appropriate.~~

~~(1) The applicant must submit a site plan (ten copies) showing the location, size and proposed use of the outdoor storage area. The site plan must also conform to the following criteria:~~

- ~~a. The outdoor storage area shall not exceed 20 percent of a site.~~
- ~~b. The outdoor storage area must be set back a minimum of 25 feet from the right-of-way and ten feet from abutting properties.~~
- ~~c. The outdoor storage area cannot be located in a required buffer as outlined in section 122-260.~~
- ~~d. The outdoor storage area must be located in the side or rear yard. Corner lots must locate the outdoor storage area in the rear yard (see definitions of side and rear yards in section 122-2).~~
- ~~e. The outdoor storage area cannot be part of the required off-street parking area or open space requirements of the site plan.~~
- ~~f. An outdoor storage area must be contained and screened from public view with a design and materials (wall, fence, berm or landscaping) approved as part of the public hearing process.~~
- ~~g. The outdoor storage shall not exceed 15 feet in height above the ground surface; however, during the public hearing process additional height can be approved if the applicant submits a plan showing how it will be screened from public view.~~

~~(2) The M-1 outdoor storage requirements include: all new uses with outdoor storage; any change of use, when the new use is one that has outdoor storage; expansion of an existing use to include outdoor storage; and expansion of an existing area used for outdoor storage.~~

Section 4. That Section 122-1220 of the Code of Ordinances, City of Ocala, Florida is hereby amended as follows:

Sec. 122-1220 Home garden/hobby farm equipment sales.

(a) Home garden/hobby farm equipment sales shall be a special exception in the B-4 zoning district and a permitted use in the B-5, M-1 and M-2 zoning districts subject to the following criteria:

1. Any outdoor display/sales area cannot be part of the required off-street parking area or open space requirements of the site plan.
2. Any area used for outdoor display/sales must be paved.
3. Any outdoor display/sales area for new home garden/hobby farm equipment must be identified on the site plan and the outdoor display/sales area shall be limited to the sale and display of new home garden/hobby farm equipment. Each site shall be limited to one outdoor display and sales area.
4. Any outdoor display/sales area must be set back a minimum of ten feet from

all lot lines.

5. The location of new home garden/hobby farm equipment in the outdoor display/sales area shall include the following unless otherwise addressed in this section:
 - a. In the B-4 zoning district the number of pieces of new equipment shall be determined as part of the special exception, but shall not include the outdoor storage of merchandise.
 - b. In the B-5 zoning district the new equipment outdoor display/sales area shall not exceed a total of 50 percent of the site. The outdoor storage area of merchandise shall comply with subsection 122-282(4).
 - c. In the M-1 zoning district the new equipment outdoor display/sales area shall be accessory to site and not exceed 25 pieces of new equipment. The outdoor storage of merchandise shall comply with sections 122-763 ~~or 122-767~~.
 - d. In the M-2 zoning district the new equipment outdoor display/sales area shall be accessory to site and not exceed 25 pieces of new equipment. The outdoor storage of merchandise shall comply with section 122-783.
6. A special exception for a home garden/hobby farm equipment sales establishment in the B-4 zoning district shall be limited to that use.
7. All uses other than home garden/hobby farm equipment on the same site in the B-5 zoning district, except as provided in subsection 122-1220(a)(10), shall be subject to the requirements of this chapter.
8. All uses other than home garden/hobby farm equipment on the same site in the M-1 and M-2 zoning districts, except as provided in subsection 122-1220(a)(10), shall be subject to the requirements of this chapter.
9. The sale of merchandise other than home garden/hobby farm equipment in the M-1 and M-2 zoning districts shall only be allowed as provided in subsection 122-1220(a)(10), unless otherwise permitted in this chapter.
10. A home garden/hobby farm equipment sales establishment with a warehouse/distribution center shall be permitted in the B-5, M-1 and M-2 zoning districts pursuant to the following:
 - a. The warehouse/distribution center must be at least 30,000 square feet.
 - b. Merchandise (garden/lawn/farm supplies, apparel, automotive products, tools/hardware, sporting goods, toys, housewares and specialty items) sold on-site shall be stored/shipped from the

warehouse/distribution center that is located on the same site under the same ownership.

- c. Construction/farm equipment sales, horse trailers, trucks or other vehicles designed for use on public roads shall be permitted.
 - d. An establishment in the M-1 and M-2 zoning districts shall not be subject to subsections 122-1220(a)(3) and (a)(5).
 - e. An establishment in the M-2 zoning district shall not be subject to any size limitations for outdoor storage.
 - f. An establishment in the M-1 zoning district shall be subject to size limitations for outdoor storage in subsection 122-763(3)-~~and section 122-767~~.
 - g. An establishment in the B-5, M-1 and M-2 zoning districts shall not be subject to article V, division 29 of this chapter (shopping centers/single retail store developments).
 - h. A warehouse/distribution center shall be separate from the retail portion of the use.
11. The use must be consistent with the buffer and landscape requirements of subsections 122-260(c)(2), 122-260(c)(8) and 122-260(e). In lieu of the requirements of subsection 122-260(c)(8), the applicant can petition the building official to approve a six-foot privacy fence (wood or other material with 100 percent opacity) in combination with a 15-foot minimum landscaped buffer area on the outer side of the fence.
12. Home garden/hobby farm equipment sales must comply with the city's noise regulations per section 34-171 of this Code.
13. Home garden/hobby farm equipment sales shall adhere to all site plan requirements as per article IV of this chapter.
14. 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 outdoor display and sales area, buffers and the number of pieces of new equipment.
15. A 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.

Section 5. 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 6. 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 7. 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 8. 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 9. 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 10. 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: _____

Barry Mansfield
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on _____,
2024.

By: _____

Ben Marciano
Mayor

Approved as to form and legality:

By:

William E. Sexton
City Attorney