



## Legislation Text

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**File #:** ORD-2024-43, **Version:** 1

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Submitted By: Emily W. Johnson, AICP

Presentation By: Aubrey Hale

Department: Growth Management

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### **STAFF RECOMMENDATION** (Motion Ready):

Introduce Ordinance 2024-43 to change the code of ordinances by revising the outdoor storage requirements/uses in the M-1, Light Industrial Zoning District (Chapter 122-Division 25) (Case COD24-45660)

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### **OCALA'S RELEVANT STRATEGIC GOALS:**

Economic Hub, Quality of Place

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### **PROOF OF PUBLICATION:**

N/A

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**BACKGROUND:** Staff prepared an amendment to the Code of Ordinances regarding outdoor storage within the M-1, Light Industrial, zoning district. Currently, the district allows for outdoor storage as an accessory use with a size restriction of 30 percent of the gross floor area of the main building or structure, up to a maximum of 10,000 square feet. If outdoor storage is necessary beyond the limit, a maximum of 20 percent of the total area may be granted through the public hearing process. The procedure for approval is outlined in Section 122-767.

One of the primary differences between the M-1 and M-2 zoning districts is the allowance of unlimited outdoor storage within the M-2 zoning district. The staff has identified a recent trend in requests to rezone properties from the M-1, Light Industrial, to the M-2, Medium Industrial, zoning district. Through discussion with the property owners and design professionals of M-1 zoned property, staff understand that a key reason applicants seek rezoning to the M-2 zoning district is to afford potential buyers/tenants the additional outdoor storage opportunity. This opportunity can significantly improve their ability to maintain the existing developed property as viable in the marketplace. To enhance the purpose and function of the M-1 zoning district by allowing additional outdoor storage while maintaining the integrity of screening requirements, staff proposes the following Code Section amendments:

- **Section 122-761:** Removing the requirement for a public hearing for additional outdoor storage.
- **Section 122-763(3):** Increasing the by-right accessory outdoor storage allowance to a maximum of 20 percent of the total site area, or 10,000 square feet, whichever is greater. This amendment also specifies setback and design standards for outdoor storage areas, ensuring they are implemented in a manner

consistent with the overall aesthetics and functionality of the M-1 zoning district.

- **Section 122-767:** Repealing the requirement for a public hearing for additional outdoor storage. This change is intended to streamline the approval process for outdoor storage, making it more efficient and less burdensome for property owners and potential buyers/tenants. The section number will be placed in reserve status, indicating that it may be reactivated in the future if necessary.
- **Section 122-1220:** Removing obsolete references to repealed Section 122-767.

The Planning and Zoning Commission recommended unanimous approval by a vote of 5-0 on June 10, 2024. During the meeting, the board inquired about the origin and rationale behind the 10,000-square-foot allowance. Staff clarified that this threshold is the current maximum allowed by right, equivalent to 20 percent of a 50,000-square-foot property. This allowance was carefully determined to prevent non-conformities on existing sites with less than 50,000 square feet, where lawful outdoor storage may already exist.

**FINDINGS AND CONCLUSIONS:** The proposed ordinance is designed to enhance the purpose and viability of the M-1 zoning district by allowing for additional outdoor storage while upholding the site integrity and screening requirements. Importantly, these amendments are consistent with the City's code of ordinances and the Comprehensive Plan, ensuring their legality and appropriateness. Furthermore, they do not create any non-conformities among existing developments within the district.

**FISCAL IMPACT:** N/A

**PROCUREMENT REVIEW:** N/A

**LEGAL REVIEW:** The ordinance is pending review by the City Attorney, William E. Sexton.

**ALTERNATIVE:**

- Approve with changes
- Deny
- Table

## **ORDINANCE 2024-43**

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. 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. The outdoor storage area shall be screened with a design and materials (wall, fence, berm or landscaping). 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. 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. The outdoor storage area cannot be located in a required buffer.
  - 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 20 percent of the 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.

**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 Reserved.**

**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 section 122-763.
  - 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).
  - 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

Ordinance No: 2024-43  
Introduced: Click or tap to enter a date.  
Adopted: Click or tap to enter a date.  
Legal Ad No: Click or tap here to enter text.