

ORDINANCE 2015-15

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING ZONING; AMENDING SUBSECTION 122-282(b)(1) BY REVISING TEMPORARY OUTDOOR SALES (ACCESSORY USES) TO ADDRESS USED MERCHANDISE; AMENDING SECTION 122-283 BY REVISING THE REQUIREMENTS FOR THE SALE OF USED MERCHANDISE; AMENDING SECTION 122-287 PROVIDING A TABLE OF PERMITTED USES (EXCLUDING CRA) BY PROVIDING FOR LINE NUMBER 64 "USED MERCHANDISE STORE" AS A PERMITTED USE IN THE B-2, B-2A, B-4, B-5, SC, M-1 AND M-2 ZONING DISTRICTS SUBJECT TO THE CRITERIA IN SECTION 122-283; AMENDING SECTION 122-287 PROVIDING A TABLE OF PERMITTED USES (EXCLUDING CRA) BY PROVIDING FOR "NUMBER X39" IN THE LEGEND REFERENCING SECTION 122-283; AMENDING SUBSECTION 122-622(2) BY REVISING THE USE "USED MERCHANDISE STORE" TO ELIMINATE THE WORD "ENCLOSED" IN THE B-2 ZONING DISTRICT SUBJECT TO REQUIREMENTS IN SECTION 122-283; AMENDING SUBSECTION 122-625(2) BY REVISING THE USE "USED MERCHANDISE STORE" TO ELIMINATE THE WORD "ENCLOSED" IN THE B-2A ZONING DISTRICT SUBJECT TO REQUIREMENTS IN SECTION 122-283; AMENDING SUBSECTION 122-723(2) BY REVISING THE USE "USED MERCHANDISE STORE" TO ELIMINATE THE WORD "ENCLOSED" IN THE B-4 ZONING DISTRICT SUBJECT TO REQUIREMENTS IN SECTION 122-283; AMENDING SUBSECTION 122-743(2) BY REVISING THE USE "USED MERCHANDISE STORE" TO ELIMINATE THE WORD "ENCLOSED" IN THE B-5 ZONING DISTRICT SUBJECT TO REQUIREMENTS IN SECTION 122-283; AMENDING SUBSECTION 122-762(2) BY REVISING THE USE "USED MERCHANDISE STORE" TO ELIMINATE THE WORD "ENCLOSED" IN THE M-1 ZONING DISTRICT SUBJECT TO REQUIREMENTS IN SECTION 122-283; AMENDING SUBSECTION 122-783(2) BY REVISING THE USE "USED MERCHANDISE STORE" TO ELIMINATE THE WORD "ENCLOSED" IN THE M-2 ZONING DISTRICT SUBJECT TO REQUIREMENTS IN SECTION 122-283; AMENDING SUBSECTION 122-918(2) BY REVISING THE USE "USED MERCHANDISE STORE" TO ELIMINATE THE WORD "ENCLOSED" IN THE SC ZONING DISTRICT SUBJECT TO REQUIREMENTS IN SECTION 122-283; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Ocala, Florida as follows:

Section 1. That Subsection 122-282(b)(1) of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

(b) Any use which consists in whole or in part of sales, services, storage, preparation or repair, or displaying of merchandise must be in a completely enclosed building, except as follows:

(1) *Temporary uses.* The following uses may display or sell merchandise outdoors subject to the following limitations.

Temporary uses	Maximum time limit per site and other required conditions (all are cumulative and alternatives)	Permitted districts
Temporary outdoor sales as accessory use (including some used merchandise as defined in subsection 122-283(a)(3))	During the hours of operation of the business, up to a maximum of 12 hours	B-4, B-5, SC and M-2
Mobile vendors displaying and selling Christmas trees, pumpkins and fireworks	No limit	B-2, SC, B-4, B-5, M-1 and M-2
Mobile vendors displaying and selling food or beverages	No limit	B-4, B-5, M-1, M-2, GU and SC
Mobile vendors displaying and selling any merchandise other than the above	No limit	B-5
Automobile, boat and RV shows	No limit	GU
Carnivals, circuses & other public exhibitions, where a carnival company is providing rides and amusements	4 nights and 5 days	Special exception in the A-1, B-4, B-5 and INST
Carnivals, bazaars, cookouts, & other fundraising events sponsored by a nonprofit organization, where there is no carnival company involved	No limit	B-2, B-2A, SC, B-4, B-5, M-1 and M-2, and on church and school grounds
Farmer's Market	No limit	B-3
Art	During hours of business operation	B-3, in conjunction

		with retail store with a primary business of the sale of art
Sidewalk Sales	During a coordinated event in association with the Downtown Business Alliance; for no more than 7 consecutive days and a total of 60 days per calendar year; and no sidewalk sales shall be allowed within any FDOT right-of-way	B-3
Religious revivals or assemblies	Two weeks	B-4 and B-5, and on church grounds
Donation boxes	See Section 122-1223	B-2, B-4 and B-5 (See Section 122-1223)

Section 2. That Section 122-283 of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 122-283. - Sale of used merchandise.

(a) Sale of used merchandise shall be subject to the following:

- (1) The sale of antiques shall be permitted as accessory use to the sale of new items in B-1, B-1A, O-1 and OP zoning districts in a completely enclosed building at all times. No used merchandise items for sale shall be permitted in the B-1, B-1A, O-1 and OP zoning districts.
- (2) The sale of used merchandise shall be permitted in the B-2, B-2A and M-1 zoning districts in a completely enclosed building at all times.
- (3) The sale of used merchandise (including temporary outdoor sales for some items) shall be permitted in the B-4, B-5, SC and M-2 zoning districts. The temporary outdoor sales shall include items such as clothing, shoes, handbags, coins, books, stationary and jewelry but not furniture, yard equipment, office equipment, household appliances, sporting goods, food, swimming pool related items and adult use establishment items. The outside display items must be on a rack or shelf with wheels that are not interfering with the pedestrian sidewalk/walkway as well as meeting ADA requirements. An applicant will be required to get a one-time no fee permit from the City's Growth Management Department identifying the type of items on display and the location of items. Temporary outdoor sales shall be located near a building and not in the required parking, open space,

setbacks or buffers. Any temporary outdoor sales shall occur during the hours of operation of the business, up to a maximum of 12 hours.

Section 3. That Section 122-287 of the Code of Ordinances, City of Ocala, Florida, is hereby amended by revising row numbered 64 in the Table of Permitted Uses (Excluding CRA) to read as follows (all other columns of such row shall remain unchanged):

Sec. 122-287. Table of permitted uses (excluding CRA).

	B-2	B-2A	B-4	B-5	SC	M-1	M-2
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64 Used merchandise store	X39	X39	X39	X39	X39	X39	X39

Section 4. That Section 122-287 of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

In the Legend following the Table of Permitted Uses (Excluding CRA), add the following:

X39 Section 122-283 --- Sale of used merchandise

Section 5. That Subsection 122-622(2) 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.

(2) Retail uses:

- a. Auto supply store.
- b. Bakery store.
- c. Department store.
- d. Drugstore.
- e. Electronics store.
- f. Furniture store.
- g. Garden and nursery sales.
- h. Grocery store.
- i. Hardware store.

- j. Home decorating store.
- k. Liquor store, package.
- l. Pharmacy.
- m. Roadside fruit and vegetable sales subject to the requirements of section 122-1184
- n. Specialty retail store.
- o. Swimming pool, spa, and hot tub sales (outdoor sales).
- p. Used merchandise store, subject to the requirement of section 122-283.
- q. Videotape store.

Section 6. That Subsection 122-625(2) 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.

(2) Retail uses:

- a. Auto supply store, subject to the requirements of section 122-1197
- b. Bakery store.
- c. Department store.
- d. Drugstore.
- e. Electronics store.
- f. Furniture store.
- g. Garden and nursery sales.
- h. Grocery store.
- i. Hardware store.
- j. Home decorating store.
- k. Liquor store, package.
- l. Pharmacy.
- m. Specialty retail store.
- n. Videotape store.
- o. Used merchandise store, subject to the requirement of section 122-283.

Section 7. That Subsection 122-723(2) of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 122-723. Permitted principal uses.

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

(2) Retail uses:

- a. Auto supply store.
- b. Automobile rental sales.
- c. Automobile sales, new or used.
- d. Automobile specialty sales, new or used.
- e. Bakery store.
- f. Building material sales.
- g. Department store.
- h. Drug store.
- i. Electronics store.
- j. Flea market.
- k. Furniture store.
- l. Garden and nursery sales.
- m. Grocery store.
- n. Hardware store.
- o. Home decorating store.
- p. Liquor store, package.
- q. Pharmacy.
- r. Playground equipment sales, outdoor, subject to the requirements of section 122-1209
- s. Roadside fruit and vegetable sales, subject to the requirements of section 122-1194
- t. Specialty retail store.
- u. Swimming pool, spa, and hot tub sales (enclosed sales).
- v. Used merchandise store, subject to the requirement of section 122-283.
- w. Videotape store.

Section 8. That Subsection 122-743(2) of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 122-743. Permitted principal uses.

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

(2) Retail uses:

- a. Auto supply store.
- b. Automobile rental sales.
- c. Automobile sales, new or used.
- d. Automobile specialty sales, new or used.
- e. Bakery store.
- f. Boat sales, subject to requirements of section 122-1209
- g. Building material sales, subject to requirements of section 122-1209

- h. Construction/farm equipment sales, subject to requirements of section 122-1209
- i. Department store.
- j. Drugstore.
- k. Electronic store.
- l. Farmer's market, subject to requirements of section 122-1209
- m. Flea market, subject to requirements of section 122-1209
- n. Furniture store.
- o. Garden and nursery sales.
- p. Grocery store.
- q. Hardware store.
- r. Home decorating store.
- s. Home garden/hobby farm equipment sales, subject to requirements of section 122-1220
- t. Liquor store, package.
- u. Manufactured/mobile home sales, subject to requirements of section 122-1209
- v. Pharmacy.
- w. Playground equipment sales, outdoor, subject to requirements of section 122-1209
- x. Recreational vehicle sales, subject to requirements of section 122-1209
- y. Roadside fruit and vegetable sales.
- z. Satellite antennas sales, subject to requirements of section 122-1209
- aa. Specialty retail store.
- bb. Swimming pool, spa, and hot tub sales (enclosed).
- cc. Swimming pool, spa, and hot tub sales (outdoor) subject to requirements of section 122-1209
- dd. Used merchandise store, subject to the requirement of section 122-283.
- ee. Videotape store.

Section 9. That Subsection 122-762(2) of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 122-762. Permitted principal uses.

The following uses are permitted without exception in the light industrial (M-1) district:

(2) Retail uses:

- a. Furniture store, with a minimum of 10,000 square feet of warehouse space.
- b. Home garden/hobby farm equipment sales, subject to requirements of section 122-1220
- c. Used merchandise store, subject to the requirement of section 122-283.

Section 10. That Subsection 122-783(2) of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 122-783. Permitted principal uses.

The following uses are permitted without exception in the medium industrial (M-2) district:

(2) Retail uses:

- a. Furniture store, with a minimum of 10,000 square feet of warehouse space.
- b. Home garden/hobby farm equipment sales, subject to requirements of section 122-1220
- c. Used merchandise store, subject to the requirement of section 122-283.

Section 11. That Subsection 122-918(2) of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 122-918. Permitted principal uses.

Permitted uses and special exceptions for shopping centers.

(2) Retail uses:

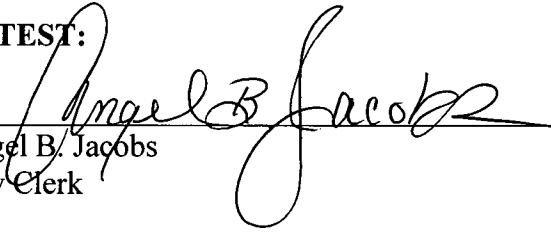
- a. Auto supply store.
- c. Automobile sales, new or used; limited to six vehicles and in an enclosed building, excluding the common area.
- d. Bakery store.
- e. Building materials sales, no outdoor sales or storage.
- f. Department store.
- g. Drugstore.
- h. Electronics store. Accessory installation work must be done in an enclosed building.
- i. Furniture store.
- j. Grocery store.
- k. Hardware store, no outdoor sales or storage.
- l. Home decorating store.
- m. Liquor store, package.
- n. Pharmacy.
- o. Specialty retail store.
- p. Swimming pool (enclosed) sales.
- q. Used merchandise, subject to the requirement of section 122-283.
- r. Videotape store, which includes selling or renting video cassettes, laser discs, video game cartridges and accessories.

Section 12. Severability Clause: Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

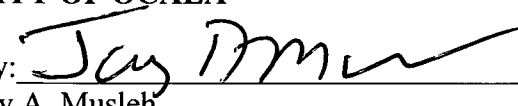
Section 13. All ordinances or parts of ordinances in conflict herewith are hereby repealed.


Section 14. This ordinance shall take effect upon approval by the mayor, or upon becoming law without such approval.

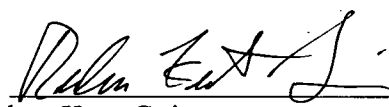
ATTEST:

By: 
Angel B. Jacobs
City Clerk

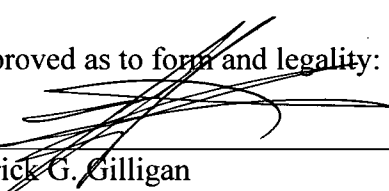
CITY OF OCALA

By: 
Jay A. Musleh
President, Ocala City Council

 Approved/Denied by me as Mayor of the City of Ocala, Florida, on 3/20, 2015.

By: 
Reuben Kent Guinn
Mayor

Approved as to form and legality:

By: 
Patrick G. Gilligan
City Attorney

Ordinance No: 2015-15
Introduced: 3/3/2015
Adopted: 3/17/2015
Legal Ad No: A000854611 - 3/6/15