

ORDINANCE 2020-10

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING ZONING; AMENDING SECTION 122-2 PROVIDING FOR DEFINITIONS BY ADDING A NEW DEFINITION FOR “HEMP”; AMENDING SECTION 122-3 PROVIDING FOR DISTRICT USE DEFINITIONS BY ADDING NEW DEFINITIONS FOR “INDOOR GREENHOUSE” AND “INDOOR HEMP FACILITY”; AMENDING SECTION 122-287 PROVIDING FOR A TABLE OF PERMITTED USES BY ADDING “INDOOR GREENHOUSE” AND “INDOOR HEMP FACILITY” AS PERMITTED USES IN LIGHT INDUSTRIAL (M-1) AND MEDIUM INDUSTRIAL (M-2) ZONING DISTRICTS SUBJECT TO CRITERIA REFERENCING SECTIONS 122-1228 AND SECTION 122-1229; AMENDING SECTION 122-287 PROVIDING A TABLE OF PERMITTED USES BY ADDING “NUMBER X41” AND “NUMBER X42” IN THE LEGEND (REFERENCING SECTIONS 122-1228 AND 122-1229); AMENDING SECTION 122-762 PROVIDING FOR PERMITTED USES BY ADDING USES (INDOOR GREENHOUSE AND INDOOR HEMP FACILITY) TO THE “AGRICULTURAL USE” CATEGORY IN THE M-1 ZONING DISTRICT SUBJECT TO CRITERIA IN SECTIONS 122-1228 AND 122-1229; AMENDING SECTION 122-782 PROVIDING FOR PERMITTED USES BY ADDING USES (INDOOR GREENHOUSE” AND “INDOOR HEMP FACILITY) TO THE “AGRICULTURAL USE” CATEGORY IN THE M-2 ZONING DISTRICT SUBJECT TO CRITERIA IN SECTIONS 122-1228 AND 122-1229; ADDING A NEW SECTION 122-1228 (SUPPLEMENTARY DISTRICT REGULATIONS) TITLED “INDOOR GREENHOUSE CRITERIA” TO ESTABLISH REQUIRED CRITERIA FOR SUCH USE; ADDING A NEW SECTION 122-1229 (SUPPLEMENTARY DISTRICT REGULATIONS) TITLED “INDOOR HEMP FACILITY CRITERIA” TO ESTABLISH REQUIRED CRITERIA FOR SUCH USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE

Section 1. That Section 122-2 of the Code of Ordinances of the City of Ocala Florida is hereby amended to add a new definition for “Hemp”, which shall be codified such that all definitions in such section are in alphabetical order:

Section 122-2. – Definitions.

The following words, terms and phrases, when used in this chapter and other chapters of subpart B of this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hemp means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, that has a total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis.

Section 2. That Section 122-3 of the Code of Ordinances of the City of Ocala, Florida is hereby amended to add new definitions for “Indoor greenhouse” and “Indoor hemp facility”, which shall be codified such that all definitions in such section are in alphabetical order:

Sec. 122-3. - District uses definitions.

As used in this chapter and other chapters in subpart B of this Code, the following terms have the following meanings:

Indoor greenhouse means an establishment having as the principal purpose of business the indoor planting, watering, growing, or harvesting of horticultural products such as foliage plants, plants (excluding *Cannabis sativa* L.), flowers, fruits, vegetables or seeds for the purpose of nonretail sales and distribution in bulk quantities or resale to agricultural concerns. Greenhouses do not include horticultural retail sales.

Indoor hemp facility means an establishment where hemp is cultivated and/or processed inside an enclosed building for the purpose of nonretail sales and distribution in bulk quantities or resale to agricultural concerns.

Section 3. That Section 122-287 (Table of Permitted Uses) of the Code of Ordinances City of Ocala, Florida, is hereby amended by adding rows (Indoor greenhouse use and Indoor hemp facility use) in the “Agricultural use” category, which shall be codified such that all uses in such use category are in alphabetical order

Sec. 122-287. - Table of permitted uses.

Use Category	Use Type	M-1	M-2
Agricultural	Indoor greenhouse	X41	X41
	Indoor hemp facility	X42	X42

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

Sec. 122-287. Table of permitted uses.

In the Legend following the Table of Permitted Uses, add the following:

- X41 Section 122-1228 --- Indoor greenhouse criteria
- X42 Section 122-1229 ----Indoor hemp facility

Section 5. That Section 122-762 of the Code of Ordinances of the City of Ocala, Florida is hereby amended to add “Agricultural use” category and uses (Indoor greenhouse and Indoor hemp facility) to the existing list of permitted uses, providing that Section 122-762 shall hereafter read as follows:

Sec. 122-762. - Permitted principal uses.

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

(8) *Agricultural uses:*

- a. Indoor greenhouse (reference section 122-1228)
- b. Indoor hemp facility (reference section 122-1229)

Section 6. That Section 122-782 of the Code of Ordinances of the City of Ocala is hereby amended to add "Agricultural use" category and uses (Indoor hemp greenhouse and Indoor hemp facility) to the existing list of permitted uses, providing that Section 122-782 shall hereafter read as follows:

Sec. 122-782. Permitted principal uses.

The following uses are permitted in the light industrial (M-2) district:

(8) *Agricultural uses:*

- a. Indoor greenhouse (reference section 122-1228)
- b. Indoor hemp facility (reference section 122-1229)

Section 7. That Section 122-1228 (Supplementary district regulations) of the Code of Ordinances of the City of Ocala, Florida is hereby added to read as follows:

Sec. 122-1228. – Indoor greenhouse criteria.

- (a) Indoor greenhouses shall be a permitted use in the M-1 and M-2 zoning districts subject to the following criteria:
 - (1) The planting, watering, growing, or harvesting of horticultural products shall occur completely inside an enclosed building. No outdoor storage, sales or display of horticultural products shall be permitted outside of the building containing the greenhouse.
 - (2) No freestanding, outdoor light shall be more than 20 feet above ground surface. Outdoor lights shall be redirected in a manner to prevent off-site glare/light wash. Indoor lighting shall be completely contained and shall not be visible on the exterior of the building containing the indoor greenhouse.
 - (3) Minimum parking requirements shall be as follows: One space per 3,000 square feet and one space for service and deliveries.
 - (4) No tractor-trailer truck deliveries will be permitted within 300 feet of a residential use or district between the hours of 9:00 p.m. and 7:00 a.m.
 - (5) Dumpster and service areas must be completely screened from public view by an eight-foot wall or fence in combination with landscaping if within 300 feet of a residential use or district.

Section 8. That Section 122-1229 (Supplementary district regulations) of the Code of Ordinances of the City of Ocala, Florida is hereby added to read as follows:

Sec. 122-1229. – Indoor hemp facility criteria.

The following uses are permitted in the light industrial (M-1) and medium industrial (M-2) districts:

- (a) Indoor hemp facility uses may be permitted in the M-1 and M-2 zoning districts, subject to the following criteria:
 - (1) Compliance with State regulations and licensure requirements. The planting, watering, growing, harvesting, or distribution of hemp may only be conducted by a person or entity with an active license issued by the Florida Department of Agriculture and Consumer Services in a manner that complies with all State laws, licensing and regulatory requirements, including section 581.217, Florida Statutes (2019) and rules promulgated pursuant thereto. Failure to maintain licensure or violation of a corrective action plan under section 581.217, Florida Statutes (2019) constitutes a violation of these criteria. An owner or operator shall notify the City in writing within five (5) business days of receipt of any notice of violation or warning from the State or of any changes to its State licensing approvals. If an owner or operator receives a notice of violation or warning from the State, it shall, no later than twenty (20) business days after receipt of the notice or warning, provide a copy of the corrective action plan and timeframes to the City. The applicant shall provide the City with copies of any and all state and other licenses issued to the applicant to engage in the hemp cultivation business.
 - (2) On-site consumption; other prohibited activities. No indoor hemp facility shall allow any hemp to be smoked, ingested, or otherwise consumed on the premises. Owners, operators, tenants, or visitors of indoor hemp greenhouses shall not engage in any activity other than those activities specifically set forth herein.
 - (3) Outdoor activity. Except for loading and unloading, there shall be no activities of any kind permitted on the exterior of the indoor hemp facility. Such prohibition includes, but is not limited to, outdoor displays, outdoor storage, outdoor promotions, and queuing or stacking of motor vehicles in any right-of-way. All activities of the facility shall be conducted entirely within an enclosed building. The prohibition on outdoor storage includes use of portable storage units, cargo containers and tractor trailers. Where there is no designated delivery access or loading bay area, loading and unloading shall occur at the rear or side of the building. Areas designated for loading and unloading, shall be screened from public areas as defined in section 122-2; however, notwithstanding this definition, the maximum height of such screening may exceed six (6) feet. Delivery access and loading bay areas shall have the doors closed at all times, except during the movement of materials, other supplies and finished products, as applicable, into and out of the building.

- (4) Security plan. The applicant shall submit a security plan demonstrating compliance with Florida law and any applicable statutes and State administrative rules. If no such laws or rules are promulgated, then the applicant shall provide a security plan that has been approved by the police chief that addresses operations of the facility and the delivery of all products.
- (5) Product and operations visibility. No hemp or plant of any kind may be visible from any window or exterior glass door. Notwithstanding this requirement, windows shall not be blacked-out, nor shall they be tinted to a level where visibility into the facility is not maintained.
- (6) No freestanding, outdoor light shall be more than 20 feet above ground surface. Outdoor lights shall be redirected in a manner to prevent off-site glare/lightwash. Indoor lighting shall be completely contained and shall not be visible on the exterior of the building containing the indoor hemp facility.
- (7) Minimum parking requirements shall be as follows: One space per 3,000 square feet and one space for service and deliveries.
- (8) No tractor-trailer truck deliveries will be permitted within 300 feet of a residential use or district between the hours of 9:00 p.m. and 7:00 a.m.
- (9) Dumpster and service areas must be completely screened from public view by an eight-foot wall or fence in combination with landscaping if within 300 feet of a residential use or district.

Section 9. 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 10. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 11. 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 _____, 2019.

By: _____
Reuben Kent Guinn
Mayor

Approved as to form and legality:

By: _____
~~Patrick G. Gilligan~~ James Gooding III
~~City Attorney~~ Assistant City Attorney

Ordinance No: 2020-10
Introduced: 12/3/2019
Adopted: 12/17/2019
Legal Ad No: A000961975 - 12/6/19

This ordinance becomes law without the Mayor's signature.