

## ORDINANCE 2017-33

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING ZONING; AMENDING SECTION 122-3 PROVIDING FOR DISTRICT USE DEFINITIONS BY ADDING DEFINITIONS FOR BAIL BONDS AGENCY, CHECK CASHING ESTABLISHMENT, AND ELECTRONIC CIGARETTE / VAPORIZER STORE; AMENDING SECTION 122-287 PROVIDING A TABLE OF PERMITTED USES (EXCLUDING CRA) BY PROVIDING FOR LINE NUMBER 73.1 "BAIL BONDS AGENCY" AS A PERMITTED USE IN THE GENERAL BUSINESS (B-4), WHOLESALE BUSINESS (B-5), LIGHT INDUSTRIAL (M-1), AND MEDIUM INDUSTRIAL (M-2) ZONING DISTRICTS; PROVIDING FOR LINE NUMBER 74.1 "CHECK CASHING ESTABLISHMENT" AS A PERMITTED USE IN THE COMMUNITY BUSINESS (B-2), GENERAL BUSINESS (B-4), WHOLESALE BUSINESS (B-5), AND SHOPPING CENTER AND SINGLE RETAIL STORE DEVELOPMENT (SC) ZONING DISTRICTS; PROVIDING FOR LINE NUMBER 80.1 "ELECTRONIC CIGARETTE / VAPORIZER STORE" AS A PERMITTED USE IN THE GENERAL BUSINESS (B-4) AND WHOLESALE BUSINESS (B-5) ZONING DISTRICTS; AMENDING SECTION 122-287 PROVIDING A TABLE OF PERMITTED USES (EXCLUDING CRA) BY AMENDING LINE NUMBER 124A "TATTOO OR BODY PIERCING ESTABLISHMENT" TO PROHIBIT THE USE IN THE NEIGHBORHOOD BUSINESS (B-1) AND LIMITED NEIGHBORHOOD BUSINESS (B-1A) ZONING DISTRICTS; AMENDING SECTION 122-288 PROVIDING A CRA TABLE OF PERMITTED USES BY DELETING "TATTOO OR BODY PIERCING ESTABLISHMENT" FROM LINE NUMBER 88, AND AS A PERMITTED USE IN THE BOA, BOB, AND B-3C ZONING DISTRICTS; AMENDING SUBSECTION 122-622(3) PROVIDING FOR PERMITTED PRINCIPAL USES BY PROVIDING FOR "CHECK CASHING ESTABLISHMENT" AS A PERMITTED USE IN THE B-2 ZONING DISTRICT; AMENDING SUBSECTION 122-723(3) PROVIDING FOR PERMITTED USES BY PROVIDING FOR "BAIL BONDS AGENCY", "CHECK CASHING ESTABLISHMENT", AND "ELECTRONIC CIGARETTE / VAPORIZER STORE" AS PERMITTED USES IN THE B-4 ZONTNG DISTRICT; AMENDING SUBSECTION 122-743(3) PROVIDING FOR PERMITTED USES BY PROVIDING FOR "BAIL BONDS AGENCY", "CHECK CASHING ESTABLISHMENT", AND "ELECTRONIC CIGARETTE / VAPORIZER STORE" AS PERMITTED USES IN THE B-5 ZONING DISTRICT; AMENDING SUBSECTION 122-762(3) PROVIDING FOR PERMITTED PRINCIPAL USES BY PROVIDING FOR "BAIL BONDS AGENCY" AS A PERMITTED PRINCIPAL USE IN THE M-1 ZONING DISTRICT; AMENDING SUBSECTION 122-782(3) PROVIDING FOR PERMITTED PRINCIPAL USES BY PROVIDING FOR "BAIL BONDS AGENCY" AS A PERMITTED PRINCIPAL USE IN THE M-2 ZONING DISTRICT; AMENDING SUBSECTION 122-918(A)(3) PROVIDING FOR PERMITTED USES AND SPECIAL EXCEPTIONS FOR SHOPPING CENTERS BY PROVIDING FOR "CHECK CASHING ESTABLISHMENT" AS A PERMITTED USE IN THE SC ZONING DISTRICT; AMENDING SUBSECTION 122-583(3) PROVIDING FOR

PERMITTED USES BY DELETING "TATTOO/BODY PIERCING ESTABLISHMENT" AS A PERMITTED USE IN THE B-1 ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1 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:

Sec. 122-3. District uses definitions.

Bail bonds agency means:

- (1) The building where a licensee maintains an office and where all records required by state statutes 648.34 and 648.36 are maintained; or
- (2) An entity that:
  - a Charges a fee or premium to release an accused defendant or detainee from jail; or b.
  - Engages in or employs others to engage in any activity that may be performed only by a licensed and appointed bail bond agent.

Check cashing establishment means any building, room, space, establishment, facility or portion thereof where checks are cashed in exchange for a percentage fee or where unsecured, short-term cash advances are provided, including those made against future paychecks. This does not include a state or federally chartered bank, savings association, credit union or industrial loan company.

Electronic cigarette / vaporizer store means a business establishment for which more than 50% of the floor area is dedicated to the storage, mixing, display, on-site consumption, and/or retail sale of electronic cigarette devices, nicotine-enriched solutions, and/or liquid products that are manufactured for use with e-cigarettes.

Section 2. That Section 122-287 of the Code of Ordinances, City of Ocala, Florida, is hereby amended by adding rows numbered 73.1, 74.1, and 80.1 in the Table of Permitted Uses (Excluding CRA) to read as follows (all other columns of such rows shall remain unchanged):

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

	B-2	sc	M-1
73.1 Bail bonds agency	x	x	x

74.1	Check cashing establishment	x	x	x	x
80.1	Electronic cigarette / vaporizer store		x	x	

Section 3. That Section 122-287 of the Code of Ordinances, City of Ocala, Florida, is hereby amended by amending row number 124A in the Table of Permitted Uses (Excluding CRA) to read as follows (all other columns of such rows shall remain unchanged):

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

B-1 B-1A B-2 B-2A B-4

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124A	Tattoo or body piercing establishment		x	x	x	x
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Section 4. That Section 122-288 of the Code of Ordinances, City of Ocala, Florida, is hereby amended by deleting "Tattoo or body piercing establishment" from row number 88 in the CRA Table of Permitted Uses, thereby prohibiting the use in the B-3A, B-3B, and B-3C zoning districts.

Section 5. That Subsection 122-622(3) of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 122-622. Permitted uses.

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

(3) Services uses:

- a. Alcoholic beverage establishment (off-premises consumption).
- b. Alcoholic beverage establishment (on-premises consumption).
- c. Auto repair, minor.
- d. Automobile cleaning, detailing service.
- e. Check cashing establishment.  
Coin operated laundry.
- Commercial photography, art, and graphic.
- h. Conference center.
- i. Emergency shelter.
- j. Equipment rental and leasing.
- k. Fast food restaurant.
- l. Financial institution.

- m. Full service station, subject to the requirements of article IX, division 3.
- n. Funeral home/crematory.
- o. General business service. P. Hairstyling shop.
- q. Hotel/convention center.  
Laundry and dry cleaning pickup.
- s. Laundry and dry cleaning service.  
Major household repair establishment.
- u. Minor household repair establishment.  
Motel.
- w. Parking garage.
- x. Parking lot.  
Photocopying and duplicating service.
- z. Photofinishing laboratory. aa.  
Prepackaged software service.
- bb. Print shop.
- cc. Professional and business office.
- dd. Radio/TV broadcasting facility.
- ee. Recycling collection point. ff.  
Restaurant.
- gg. Security systems service.
- hh. Self service station/convenience store, subject to the requirements of section 122-1196.
- ii. Tattoo or body piercing establishment. Telephone exchange. kk.  
Tourist camp/park.

Section 6. That Subsection 122-723(3) 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:

(3) Service uses:

- a. Alcoholic beverage establishment (off-premises consumption).
- b. Alcoholic beverage establishment (on-premises consumption).
- c. Auto repair, minor.
- d. Automobile cleaning, detailing service.

- Bail bonds agency.
- Check cashing establishment.
- Coin operated laundry.
- h. Commercial photography, art, and graphic.
- i. Computer maintenance and repair. Conference center.
- k. Construction service establishment (reference section 122-722).
- l. Drive-in or drive-through restaurant.
- m. Electronic cigarette / vaporizer store.
- n. Emergency shelter.
- o. Equipment rental and leasing.
- Fast-food restaurant.
- Financial institution.
- Full-service station, subject to the requirements of article IX, division 3 of this chapter.
- s. Funeral home/crematory,
- General business service.
- u. Hairstyling shop.
- Hotel/convention center.
- w. Laundry and dry cleaning pickup.
- x. Laundry and dry cleaning service.
- Major household repair establishment. z.
- Mini-warehouse.
- aa. Minor household repair establishment. bb.
- Motel.
- cc. Neighborhood storage center (reference section 122-1214).
- dd. Parking garage. Parking lot.
- ff. Pest control service.
- Photocopying and duplicating service. hh.
- Photofinishing laboratory.
- ii. Prepackaged software service.
- Print shop.
- kk. Professional and business office.
- ll. Radio/TV broadcasting facility.
- mm. Recycling collection point. nn.
- Restaurant.
- 00. Security system service.
- PP. Self-service station/convenience store, subject to the requirements of section 122-1196.

- qq. Tattoo/body piercing establishment.
- rr. Telephone exchange. SS.  
Tourist camp park.

Section 7. That Subsection 122-743(3) 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 in the wholesale business (B-5) district:

(3) Service uses:

- a. Alcoholic beverage establishment (off-premises consumption).
- b. Alcoholic beverage establishment (on-premises consumption).
- c. Auto repair, minor.
- d. Automobile cleaning, detailing service.  
Bail bonds agency.  
Check cashing establishment. Coin  
operated laundry.
- h. Commercial photography, art, and graphic.
- i. Computer maintenance and repair. Conference center.
- k. Construction service establishment (reference section 122-722).
- l. Drive-in or drive-through restaurant.
- m. Electronic cigarette / vaporizer store.
- n. Emergency shelter.
- o. Equipment rental and leasing. P. Fast-food restaurant.
- q. Financial institution.  
Full-service station, subject to the requirements of article IX, division 3 of this  
chapter.
- s. Funeral home/crematory,  
General business service.
- u. Hairstyling shop.  
Hotel/convention center.
- w. Laundry and dry cleaning pickup.
- x. Laundry and dry cleaning service.  
Major household repair establishment.
- z. Mini-warehouse.
- aa. Minor household repair establishment. bb. Motel.

- cc. Neighborhood storage center (reference section 122-1214). dd.  
Parking garage.  
Parking lot.  
Pest control service.
- gg. Photocopying and duplicating service. hh.  
Photofinishing laboratory.
- ii. Prepackaged software service. Print  
shop.
- kk. Professional and business office.
- ll. Radio/TV broadcasting facility.
- mm. Recycling collection point. nn.  
Restaurant.
- 00. Security system service.  
Self-service station/convenience store, subject to the requirements of section  
122-1196.  
Tattoo/body piercing establishment.
- rr. Telephone exchange. SS.  
Tourist camp park.

Section 8. That Subsection 122-762(3) 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:

(3) Service uses:

- a. Advertising services (on- or off-site signs).
- b. Alcoholic beverage establishment (off-premises consumption).
- c. Assembly of electronics components.
- d. Bail bonds agency.  
Carpet and upholstery cleaning.  
Commercial photography, art and graphic design. Computer  
maintenance and repair.
- h. Construction service establishment.
- i. Day labor service establishment (reference section 122-1215).
- j. Equipment rental and leasing.

- k. General business service.
- l. Kennel.
- m. Laundry and cleaning service.
- n. Maintenance/cleaning service.
- O. Major household repair establishment.
- Miniwarehouse.
- Minor household repair establishment. Newspaper printing facilities.
- s. Packing and crating. Parking lot/garage.
- u. Pest control services.
- Photofinishing laboratory.
- w. Prepackaged software services.
- x. Print shop.
- Professional and business office.
- z. Radio/TV broadcasting facilities.
- aa. Recycling collection point. bb.
- Repair garage. cc. Security systems.
- dd. Self-service/convenience store (reference section 122-1196).
- Telephone exchange. ff. Truck/freight terminal. gg. Truck rental sales.

Section 9. That Subsection 122-782(3) of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 122-782. Permitted principal uses.

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

(3) Service uses:

- a. Advertising services (on- or off-site signs).
- b. Alcoholic beverage establishment (off-premises consumption). C.
- Assembly of electronics components.
- d. Bail bonds agency.
- e. Carpet and upholstery cleaning.
- Commercial photography, art and graphic design.
- Computer maintenance and repair.



- h. Construction service establishment.
- i. Day labor service establishment (reference section 122-1215).
- j. Equipment rental and leasing.
- k. General business service.
- l. Kennel.
- m. Laundry and cleaning service.
- n. Major household repair establishment. o. Miniwarehouse.  
Minor household repair establishment.
- q. Newspaper printing facilities. Packing  
and crating.
- s. Parking lot/garage.
- t. Pest control services.
- u. Photofinishing laboratory.  
Prepackaged software services.
- w. Print shop.
- x. Professional and business office.  
Radio/TV broadcasting facilities.
- z. Recycling collection point.
- aa. Repair garage. bb.  
Security systems.
- cc. Self-service/convenience store (reference section 122-1196). dd.  
Telephone exchange.  
Truck/freight terminal.
- ff. Truck rental sales.

Section 10. That Subsection 122-918(a)(3) of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 122-918. Permitted uses and special exceptions for shopping centers.

(a) Permitted uses. The following uses are allowed, allowed with conditions, or not allowed:

(3) Service uses:

- a. Alcoholic beverage establishment.
- b. Alcoholic beverage establishment, off-premises consumption.

- c. Alcoholic beverage establishment with on-premises consumption as an incidental use to a restaurant serving food (reference section 122-1185).
- d. Check cashing establishment.  
Commercial and portrait photography, art and graphic design service.  
Computer maintenance and repair.  
Computer software: prepackaged software service.
- h. Drive-through facility, non-restaurant.
- l. Dry cleaning: See laundry. Financial institution.
- k. General business service.
- l. Hairstyling shop.
- m. Hotel/convention center:
  - 1. A shopping center must be a minimum of 30 acres or 300,000 square feet of gross leasable area.
  - 2. A hotel/convention center shall not exceed 25 percent of the total acreage of a shopping center.
- n. Laundry, coin-operated and dry cleaning.
- o. Laundry and dry cleaning pickup. Laundry and dry cleaning service.  
Minor household repair establishment. Photocopying and duplicating service.
- s. Photofinishing laboratory.  
Professional and business office.
  - 1. The gross leasable area shall not exceed 20 percent of the gross leasable area of the shopping center.
  - 2. The term "office use," as used in this subsection, does not include the area within the permitted uses that is clerical or administrative office space for the permitted use.
- u. Recycling collection point.  
Restaurant. Outdoor seating is allowed, and on-premises consumption of alcoholic beverages outside an enclosed building is allowed, subject to the requirements of subsection 6-35(d).
- w. Restaurant, drive-in or drive-through.
- x. Restaurant, fast-food.  
Restaurant with a drive-through window.
- z. Self-service station/convenience store subject to criteria in section 1221196.

Section 11. That Subsection 122-583(3) 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:

## (3) Service uses:

- a. Alcoholic beverage establishment (off-premises consumption).
- b. Alcoholic beverage establishment (on-premises consumption) (reference section 122-1185).
- c. Coin-operated laundry and dry cleaning.
- d. Financial institution.  
Hairstyling shop.  
Minor household repair establishment.  
Parking lot.
- h. Photocopying and duplicating service.
- i. Professional and business office. Restaurant.

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 becoming law without such approval.

ATTEST:

By:   
Angel B. Jacobs  
City Clerk

CITY OF OCALA

By:   
Brent R. Malever  
President, Ocala City Council

Approved/D

enied by me as Mayor of the City of Ocala,

Flor

lorida, on 3/9, 2017.

By:  
Reuben Kent Guinn

Mayor

Approved as to form and legality:

By: \_\_\_\_\_

Patrick G. Gilligan

~~City Attorney~~

**W James Gooding III**

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