Summary of Ordinance

The purpose of this ordinance is to update the existing regulations to address open air gatherings and special events. The ordinance will clarify that these types of events shall only occur if the event or use is permitted within the zoning district where the property is located. The ordinance provides for application and submittal requirements for a special event site plan.

FILED
FEB 14 PM 2:13
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

ORDINANCE NO. 2013-5

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 14.00.02, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED PROHIBITION; RENUMBERING SECTION 10.03.00 REGARDING OPEN AIR VENDORS TO 14.19.00, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; REPEALING 10.03.01, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED OPEN AIR GATHERINGS AND OTHER TEMPORARY USES; CREATING SECTION 14.13.00, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, TO BE ENTITLED SPECIAL EVENT SITE PLANS; PROVIDING FOR A PURPOSE; PROVIDING FOR SUBMITTAL REQUIREMENTS; PROVIDING FOR EXEMPTIONS; PROVIDING THAT THE PROPOSED USE SHALL BE CONSISTENT WITH THE ZONING DISTRICT; AMENDING CHAPTER II, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lake County Land Development Regulations contain minimal requirements for open air gatherings and special events; and

WHEREAS, as requests to conduct open air gatherings and other special events have increased over the last few years, it is necessary to update the existing regulations to better address the needs of the community and to streamline application processes to promote economic development activities; and

WHEREAS, the Board of County Commissioners has determined that it is in the best interests of the citizens of Lake County to revise its regulations regarding these types of events.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida as follows:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Amendment. Section 14.00.02, Lake County Code, Appendix E, Land Development Regulations, entitled Prohibition, shall be amended to read as follows:

14.00.02 Prohibition. No development activity, use of land, or subdivision of land may be undertaken unless the activity, use or subdivision is authorized by the appropriate development order.

Section 3. Renumbering. Section 10.03.00, Lake County Code, Appendix E, Land Development Regulations, entitled Open Air Vendors shall be renumbered and moved to Section 14.19.00, Lake County Code, Appendix E, Land Development Regulations.

Section 4. Repealer. Section 10.03.01, Lake County Code, Appendix E, Land Development Regulations, entitled Open Air Gatherings and Other Temporary Uses shall be repealed in its entirety.

Section 5. Creation. Section 14.13.00, Lake County Code, Appendix E, Land Development Regulations, to be entitled Special Event Site Plans, shall be created to read as follows:

14.13.00 Special Event Site Plans.

A. Purpose. The County may approve a special event site plan when a use is proposed for a parcel of property not otherwise covered by an existing, valid development order which would allow the requested use. If the proposed use is to occur more than twice per calendar year, the applicant shall not be entitled to utilize the provisions of this Section. If the proposed use is to last more than thirty (30) days per event, the applicant shall not be entitled to utilize the provisions of this Section.

B. Applications. Applications for a special event site plan shall be available at the office of the County Manager or designee. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by agents will be accepted only with notarized proof of authorization by the owners. In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signatory's office in the corporation.

C. Submittal Requirements.

1. Legal Description as shown on a current deed or current property record card.

2. Plot Plan that depicts the location of all existing structures, septic tank, drainfields and wells, wetlands and water bodies, and the location of all proposed temporary structures, parking areas, sanitary facilities, event areas, and ingress/egress points.

D. Standards for Denial. A special event site plan shall be denied if:

1. The proposed use is not allowed as a permitted or conditional use in the zoning district in which the property is located.

2. The application contains material, false information or is incomplete.

3. The proposed use would create a dangerous condition to the participants, adjoining property owners, or to the public in general.

E. Special Event Permit. Applicants may be required to obtain a Special Event permit as set forth in Article V, Lake County Code, if one or more of the following criteria apply:

1. The event is intended to, or likely to, attract more than 500 people;

2. The event requires the temporary closure of any collector or arterial public roadway;

3. The event involves the use of pyrotechnics; or

4. The event exceeds the maximum allowed number of patrons within an establishment.

F. Exemptions.

1. Special events held on public property and sponsored or authorized by a public entity shall be exempt from this requirement.

2. Open Air Vendors are exempt from this requirement, so long as they are approved under Section 14.19.00 of these regulations.

Section 6. Amendment. Chapter II, Lake County Code, Appendix E, Land Development Regulations, entitled Definitions, shall be amended to read as follows:

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Open Air Vendor. A stall or structure for the temporary sale of food~~,~~ or merchandise ~~or amusements for temporary use~~ located out-of-doors. ~~This shall include, but not be limited to, carnivals, circuses or hot dog vendors.~~

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Special Event. Circuses, fairs, carnivals, festivals, ~~harvests~~ or other types of special events that are (1) limited in duration, (2) intended to, or likely to, attract substantial crowds, and (3) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Section 7. Severability. If any section, sentence, clause or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance.

Section 8. Inclusion in the Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

Section 9. Filing with the Department of State. The clerk shall be and is hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the State of Florida.

Section 10. Effective. This Ordinance shall become effective as provided for by law.

Enacted this 22nd day of January, 2013.

Filed with the Secretary of State February 4, 2013.

Effective February 4, 2013.

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

ATTEST:

Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida

Leslie Campione, Chairman

This 25th day of January, 2013.

Approved as to form and legality:

Sanford A. Minkoff
County Attorney