

ORDINANCE NO. _____

PROPOSED ORDINANCE NO. 15-047

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE; CHANGES TO SECTION 2.5 (TEMPORARY USES) AND SECTION 5.19 (PRODUCE STANDS – TEMPORARY); MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Ordinance 5425, adopted on December 16, 2013, the City Commission of the City of Lakeland, Florida adopted the Land Development Code for the City of Lakeland; and

WHEREAS, it has been determined that amendments are necessary to update the regulations contained within the Land Development Code; and

WHEREAS, the City Commission, upon recommendation by the Planning and Zoning Board, wishes to adopt the amendments to the Land Development Code set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA:

SECTION 1. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. The amendments to the Land Development Code set forth in Attachment “A,” attached hereto and made a part hereof, are hereby adopted.

SECTION 3. The City Commission does hereby expressly find that the provisions of this ordinance are in conformity with the Comprehensive Plan of the

City of Lakeland adopted by Ordinance 5188, and that all procedures for the enactment of this ordinance have been complied with.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. If any word, sentence, clause, phrase, or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

SECTION 6. This ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 21st day of September, A.D. 2015.

R. HOWARD WIGGS, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
TIMOTHY J. McCAUSLAND
CITY ATTORNEY

ATTACHMENT "A"

2.5 TEMPORARY USES

2.5.1 GENERAL

Temporary Produce Stands/Markets as defined and in accordance with the specific procedures and standards of Section 5.19.

5.19 PRODUCE STANDS/MARKETS - TEMPORARY

5.19.1 DEFINITIONS

Produce Stand/Market: The temporary outdoor retail sale of primarily agricultural products, such as trees, plants, fruits or vegetables, and certain types of "Cottage Food Products" in accordance with Florida Statutes.

5.19.2 PROCEDURES AND STANDARDS FOR ESTABLISHMENT

a. Where Permitted

Produce stands/markets shall be permitted in commercial zoning districts; Planned Unit Developments or Special Public Interest districts zoned for commercial or mixed uses; schools, places of worship and other non-residential uses in residential zoning districts; and the common areas of multi-family developments containing 100 units or more. Produce stands/markets shall not be permitted where any type of hazardous chemicals or gasoline is sold.

b. Permit Procedures

1. A produce stand/market shall require a temporary use permit issued by the Director of Community Development or his designee. Permits shall be valid for up to ~~90~~ 365 consecutive calendar days. ~~Permits may be renewed up to twice per calendar year for the same location, however,~~ The Director may deny the reissuance of a permit or may revoke a permit if he determines that the produce stand/market has negative impacts on the subject or neighboring properties or is in violation of the standards set forth herein.
2. Application for a temporary use permit for a produce stand/market shall include:

- (a) Proof of the property owner's consent and owner's contact information.
- (b) A sketch plan showing the property boundaries and proposed access points, tents or other temporary structures, sales areas, parking, signage, utilities and mechanical equipment. The plan shall indicate the setbacks of all structures, equipment and signage from adjacent properties.
- (c) Application fee.

5.19.3 SPECIFIC STANDARDS FOR APPROVAL

- a. Hours of operation shall be limited to the hours between 7:00 a.m. and 9:00 p.m. ~~sunrise to sunset~~.
- b. Maximum total sales area shall not exceed ~~2,000~~ 5,000 square feet.
- c. Applicable permits shall be obtained for signs, tents and other temporary structures.
- d. All waste and debris shall be removed from the site daily.
- e. The Community Development Director or designee may place additional conditions or restrictions on the temporary use permit.

MEMORANDUM

DATE: SEPTEMBER 8, 2015

TO: MAYOR & CITY COMMISSION

FROM: L. BURL WILSON, JR., CHAIRMAN
PLANNING & ZONING BOARD

SUBJECT: CHANGES TO SECTION 2.5 (TEMPORARY USES) AND SECTION 5.19 (PRODUCE STANDS - TEMPORARY) OF THE LAND DEVELOPMENT CODE TO INCLUDE TEMPORARY PRODUCE MARKETS; TO EXTEND THE LENGTH OF THE PERMIT; AND TO EXPAND THE HOURS OF OPERATION.

CASE NUMBER: LDC15-002

APPLICANT: CITY OF LAKELAND

P&Z HEARING: JULY 21, 2015

P&Z FINAL DECISION: AUGUST 18, 2015

Periodically, various changes to the Land Development Code (LDC) are proposed in response to changing circumstances. The proposed changes to Section 2.5 (Temporary Uses) and Section 5.19 (Produce Stands - Temporary) are included as Attachment "A."

Section 5.19 of the LDC provides standards for outdoor produce stands as a temporary use but is unclear about multiple produce stands operated as an outdoor produce market. The standards also limit both the duration of the permit and the hours of operation. Currently, permits are valid for up to ninety consecutive calendar days and may be renewed up to twice per year for a total of 270 consecutive calendar days. Hours of operation are limited to sunrise to sunset. Since the adoption of the standards in September 2013, there has been one permit issued for a temporary produce stand. This permit has allowed for the operation of the Dixie Twilight Farmers Market on a weekly basis since March of this year.

As a result of the success of the Dixie Twilight Farmers Market, the attached changes are proposed to specifically allow for multiple produce stands to operate as a single market; to allow for extended hours of operation during the shorter winter months; and to extend the permit duration in order to accommodate recurrent events. The term "temporary produce stand" is proposed to include the

word “market”; the permit duration is proposed to change from 90 consecutive calendar days to 365 consecutive calendar days; and the hours of operation are proposed to be specified as 7:00 a.m. to 9:00 p.m. The Director of Community Development will still retain the authority to deny a request to renew a permit or to revoke a permit if it is determined that the produce stand/market is not adhering to the minimum standards or is negatively impacting the area.

The Community Development Department and the Board reviewed this request for compliance with Lakeland Comprehensive Plan: 2010-2020 and it is our opinion that the request is consistent with the Comprehensive Plan.

The Community Development Department reviewed this request and recommended the proposed changes to the LDC.

This recommendation was approved by a 6-0 vote of the Board.

Recommendation

It is recommended that the proposed changes to the LDC, as described in Attachment “A,” be approved.