

City of Leesburg Lake Front City

Agenda Memorandum

Item No: 6.A.4.

Meeting Date: October 10, 2022

From: Dan Miller, (Planning and Zoning Director), Christine Rock, (Senior Planner)

Subject: An Ordinance of the City of Leesburg, Florida; Amending Part II, Chapter 5 of the Municipal Code, Amending Section 5-2 as to the zoning areas where alcoholic sales are permitted and Section 5-6 as to the areas exempt from open container prohibitions, Amending Section 5-16 as to the zoning for Medical Marijuana Dispensaries, Amending Part II Chapter 12 of the Municipal Code, Amending Section 12-19 adding an Exemption, Amending Part II, Chapter 14 of the Municipal Code, Amending Section 14-71 adding an Exemption, Amending Part II Chapter 15 of the Municipal Code, Amending Section 15-5, adding an Exemption and Amending Section 15-8 adding an Exemption, Amending Part II, Chapter 18 of the Municipal Code, Amending Section 18-3, adding an Exemption and Amending Section 18-7 Exempting the Operation of Golf Carts and Utility Vehicles from certain provision, Amending Part II, Chapter 25 of the Municipal Code, Amending Section 25-121, adding an Exemption, Amending Section 25-288, adding an Exemption, Amending Section 25-292, adding an Exemption, and Amending Section 25-362, adding an Exemption, Amending Part II, Chapter 26 of the Municipal Code, Amending Section 26-3 as to the Exceptions to Special Event Permit requirements, repealing conflicting ordinances; and providing an effective date. (VOWL code amendment)

Staff Recommendation:

Planning and Zoning Staff and the Planning Commission recommend approval of the request to amend the Land Development Code for The Villages of West Lake.

Analysis:

The City of Leesburg Code of Ordinances includes regulations for the sale of alcohol, consumption of alcohol on public property, location of marijuana dispensaries, sales in streets and other public areas, parades and processions, operation of golf carts, circuses and carnivals, mobile food vending, bicycle parking, special events and regulations regarding public nuisances to include noise.

Under the current code, regulations for the ARD (Age Restricted Development) zoning are not included for the above mentioned uses and activities. As development is rapidly occurring within ARD zoned

properties, these code amendments are needed to establish the regulations for the above mentioned uses within this zoning district.

Procurement Analysis:

N/A

Options:

1. Approve the proposed amendments to the City 's Land Development Regulations as presented; or
2. Other action as directed by the City Commission.

Fiscal Impact:

Action on this item will have no direct fiscal impact on the City of Leesburg.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA; AMENDING PART II, CHAPTER 5 OF THE MUNICIPAL CODE, AMENDING SECTION 5-2 AS TO THE ZONING AREAS WHERE ALCOHOLIC SALES ARE PERMITTED AND SECTION 5-6 AS TO THE AREAS EXEMPT FROM OPEN CONTAINER PROHIBITIONS, AMENDING SECTION 5-16 AS TO THE ZONING FOR MEDICAL MARIJUANA DISPENSARIES, AMENDING PART II CHAPTER 12 OF THE MUNICIPAL CODE, AMENDING SECTION 12-19 ADDING AN EXEMPTION, AMENDING PART II, CHAPTER 14 OF THE MUNICIPAL CODE, AMENDING SECTION 14-71 ADDING AN EXEMPTION, AMENDING PART II CHAPTER 15 OF THE MUNICIPAL CODE, AMENDING SECTION 15-5, ADDING AN EXEMPTION AND AMENDING SECTION 15-8 ADDING AN EXEMPTION, AMENDING PART II, CHAPTER 18 OF THE MUNICIPAL CODE, AMENDING SECTION 18-3, ADDING AN EXEMPTION AND AMENDING SECTION 18-7 EXEMPTING THE OPERATION OF GOLF CARTS AND UTILITY VEHICLES FROM CERTAIN PROVISION, AMENDING PART II, CHAPTER 25 OF THE MUNICIPAL CODE, AMENDING SECTION 25-121, ADDING AN EXEMPTION, AMENDING SECTION 25-288, ADDING AN EXEMPTION, AMENDING SECTION 25-292, ADDING AN EXEMPTION, AND AMENDING SECTION 25-362, ADDING AN EXEMPTION, AMENDING PART II, CHAPTER 26 OF THE MUNICIPAL CODE, AMENDING SECTION 26-3 AS TO THE EXCEPTIONS TO SPECIAL EVENT PERMIT REQUIREMENTS, REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE. (VOWL CODE AMENDMENT)

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.

§5-2(a) of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec 5-2. – Beverages containing more than three and two-tenths percent alcohol by weight; areas where sale permitted.

1. In order to preserve the public peace and safety of citizens of the city, all beverages containing more than three and two tenths (3.2) percent of alcohol by weight in the city shall be sold only within any area zoned Commercial “C-1,” Commercial “C-2,” Commercial “C-3,” Central Business District “CBD,” planned unit development (PUD), small planned unit development (SPUD), age restricted development (ARD), or Industrial “M-1.”

§5-3(d) of the Code of Ordinances of the City of Leesburg is amended to read as set forth

below:

Sec 5-3(d) The setbacks contained in this section shall not apply within the central business district as defined in section 25.4 of this Code, to the age restricted development (ARD) zoning district, or to any establishment holding an occupational license as a restaurant, and otherwise duly licensed as such under any requirements of state or local law, which derives at least fifty-one (51) percent of its gross revenues from the sale of food and nonalcoholic beverages, and which does not sell or serve alcoholic beverages after the hours for serving food have elapsed. This section would not apply to restaurants outside the CBD where musical entertainment is provided.

§5-6(b)(4) of the Code of Ordinances of the City of Leesburg is created to read as set forth below:

Section 5-6 – Consumption of an open containers prohibited on public property; exceptions.

1. It shall not be a violation of subsection (a) for a person to engage in the activity prohibited by subsection (a) if the activity meets one (1) of the following conditions:

(4) All non-residential areas and uses, recreational areas and uses, areas of mixed use, and town centers within any age restricted development (ARD) zoning district. All special events held in the non-residential areas and uses, recreational areas and uses, and areas of mixed use within any age restricted development shall be exempt from the requirements in §5.6(b)(1-3) and §5.6(c).

§5-16 of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 5-16. – Medical marijuana.

(d) Applicability. This section shall apply to those lands within the corporate limits of the city which are zoned C-1 (neighborhood commercial), C-2 (community commercial), C-3 (highway commercial), ARD (age restricted development) and CBD (central business district); and may also be included within planned zoning districts and overlays if included within the approval list of uses in the planned district conditions.

(h)(1) Medical marijuana dispensaries may be allowed in commercial zoning districts to include C-1 (neighborhood commercial), C-2 (community commercial), C-3 (highway commercial), ARD (age restricted development) and CBD (central business district); and may also be included within planned zoning districts and overlays if included within the approval list of uses in the planned district conditions.

SECTION II.

§12-19(a)(6) of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 12-19. – Regulation of public nuisances.

(a) As used in this section, the term “public nuisance” shall mean any residential building, place of commercial business or other property that has been used as or has been the location of:

(6) On more than four (4) occasions within a six-month period as the subject of citizen complaints regarding excessive noise, including music or musical instruments producing sufficient volume to be heard inside any residential structure more than one hundred (100) feet away from the site, with the windows closed; and raucous outdoor gatherings such as crowds assembled in a public or private parking lot (excluding any music or outdoor gatherings for which a special events permit has been issued under this Code); and all non-residential areas and uses, recreational areas and uses, and areas of mixed use within any age restricted development (ARD) zoning district.

SECTION III.

§14-71 of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 14-71. – Sales in streets and other public places.

It shall be unlawful for any auctioneer or other person to offer for sale, or sell at public auction or by public outcry, any goods, wares, or merchandise or any livestock, or any other personal property, or any real estate or interest therein, upon any street or public place in the city, unless written permission has been obtained from the city commission to do so. Section 14-71 shall not apply to any streets or public places within an area with an ARD (age restricted development) zoning designation.

SECTION IV.

§15-5 of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 15-5. – Hotel keepers, permitting loud noises.

It shall be the duty of every hotel, tavern or inn keeper, and the keeper of any billiard or pool table, and every other person keeping a public house, to prevent the persons, who may resort to their houses, from disturbing their neighbors, either in the day or in the nighttime, by loud cries, carousals, songs or other noises, calculated or having the effect to interrupt the tranquility, peace and quietude of the neighborhood, and any such person who shall allow or permit such disorder to be committed on his premises, shall be punished as provided in section 1-14 of this Code. Section 15-5 shall not apply to any non-residential areas and uses, recreational areas and uses, and areas of mixed

use within any age restricted development (ARD) zoning district.

§15-8 of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 15-8. – Sound trucks and amplifying devices.

(a) It shall be unlawful for any person to operate or permit to be operated in the city any sound amplifying devices or equipment for any purpose whatever, whether the same be stationary or operated from a vehicle or other carriage unless a permit has been obtained from the city manager so to do; provided, that it shall be unlawful for any person to make any loud and raucous noise to the disturbance of the peace. Any person to whom a permit has been issued under this section that abuses his discretion and causes or permits loud and raucous noises shall subject the permit to immediate revocation. Section 15-8(a) shall not apply to any non-residential areas and uses, recreational areas and uses, and areas of mixed use within any age restricted development (ARD) zoning district.

(b) The words sound amplifying equipment as used in this section shall mean any machine or device for the amplification of any sound.

SECTION V.

§18-3 of the Code of Ordinance of the City of Leesburg is amended to read as set forth below:

Sec. 18-3. – When permits required for parades, processions.

No procession or parade, excepting the forces of the United States armed services, the military forces of this state, and the forces of the police and fire departments, shall occupy, march, or proceed along any street or roadway except in accordance with a permit issued by the chief of police and such other regulations as are set forth in this chapter which may apply. No sound truck or other vehicle equipped with amplifier or loudspeaker shall be driven upon any street for the purpose of selling, offering for sale, or advertising in any fashion except in accordance with a permit issued by the chief of police. Section 18-3 shall not apply to any streets or roadways, or trucks driven down a street or roadway within or adjacent to a public place with an ARD (age restricted development) zoning designation.

§18-7(b) of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 18-7. – Operation of golf carts, etc. on certain city streets.

(b) Golf carts.

(1) Golf carts may be operated on city-owned streets, within the following areas, where the posted speed limit is twenty-five (25) miles per hour or less.

- a. South of Dixie Avenue (SR 44): An area bounded on the north by Dixie Avenue (SR 44) to its intersection with Lake Port Boulevard, on the east by Lake Port Boulevard at its intersection with Dixie Avenue (SR 44) thence southerly along Lake Port Boulevard to its end, on the south by Lake Harris, and on the west by 14th Street (U.S. Highway 27).
- b. South of Main Street and north of Dixie Avenue (SR 44): An area bounded on the north by Main Street, on the east by Dixie Avenue (SR 44) on the south by Dixie Avenue (SR 44) and on the west by 14th Street (U.S. Highway 27).
- c. North of Main Street: An area bounded on the south by Main Street, on the east by Dixie Avenue (SR 44) on the north by North Boulevard (U.S. Highway 441) to its intersection with Perkins Street, and on the west by the following: Perkins Street from its intersection with North Boulevard (U.S. Highway 441) thence south along Perkins Street to Edmonds Street, thence westerly along Edmonds Street to Sunshine Avenue, thence northwesterly along Sunshine Avenue to 14th Street (U.S. Highway 27) thence southerly along 14th Street (U.S. Highway 27) to its intersection with Main Street.
- d. North of North Boulevard (U.S. Highway 441): An area bounded on the south by North Boulevard (U.S. Highway 441), on the east from the intersection of North Boulevard (U.S. Highway 441) and North Lake Avenue thence north along North Lake Avenue to Bentley Road, thence west along Bentley Road to Stehle Road to the city limits; on the north by Lake Griffin and on the west by Beverley Point Road thence southerly along Beverley Point Road to North Shore Road thence along North Shore Road to U.S. Highway 441.
- e. All city roads within or adjacent to real property with an ARD (age restricted development) zoning designation.

(2) Golf carts must be operated on city streets, not on adjacent sidewalks. In addition, golf carts are authorized on the walkway and bridges connecting Ski Beach with Dozier Circle in Venetian Gardens.

(3) All golf carts operated within the city limits of Leesburg shall be equipped with efficient brakes, reliable steering apparatus, safe tires, a rear view mirror, red reflectorized warning devices on the front and rear of the vehicle, brake lights and a windshield.

(4) Operators of golf carts equipped as described above must use standard hand and arm signals to advise other motorists of their intention to turn or change lanes.

(5) Golf carts equipped as described in subsection (3) above may operate on city streets anytime between thirty (30) minutes after sunrise to thirty (30) minutes before sunset.

(6) Golf carts equipped with head lights, tail lights and turn signals in addition to

items in subsection (3) above may operate on city streets anytime between 5:00 a.m. and 10:00 p.m. The city manager may extend hours of operation in conjunction with special events. The request to extend hours will be included in the special event permit application and the modified hours of operation will be specified in the approved permit.

(7) Golf carts that meet the minimum equipment standards established by Florida State Statutes are allowed to utilize the roadways within property zoned ARD (age restricted development) for all roadways signed 30 miles per hour or less and can operate between sunrise and sunset.

- Golf carts that meet the minimum equipment standards established by Florida State Statutes and are equipped with additional equipment which includes headlights, brake lights, turn signals, a windshield, and reflective devices on the sides of the golf cart that could include reflective tape, are allowed to utilize the roadways within property zoned ARD (age restricted development) for all roadways signed 30 miles per hour or less and can operate at any time day or night.

- Golf cart access to or from city streets or multimodal paths outside ARD (age restricted development) zoning designations are not required and are prohibited unless explicitly approved by the developer or its successors or assigns.

- (7)(8) Drivers of a golf cart must be at least eighteen (18) years old. All drivers of golf carts must possess a valid driver's license. Notwithstanding anything herein to the contrary, however, any individual whose driver's license has been suspended or revoked, may not operate a golf cart within the city unless and until the suspension or revocation of his or her driver's license is lifted and a valid driver's license is issued. Notwithstanding the above, drivers of golf carts operated on roads or multi-use pathways within or adjacent to property zoned ARD (age restricted development) shall be at least sixteen (16) years of age but are not required to have a valid driver's license.

(8)(9) Golf carts may not be operated on state or county roads within the city limits or on sidewalks adjacent to state or county roads within city limits. Golf carts may not cross state- or county-owned roads unless specifically permitted by the Florida Department of Transportation or Lake County respectively.

(9)(10) This section does not regulate operation of golf carts in gated communities with private roads.

§18-7(d)(6) of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

(d) Utility vehicles.

(6) Section 18-7(d)(1-5) shall not apply to utility vehicles operated on property zoned ARD (age restricted development).

SECTION VI.

§25-121 of the Code of Ordinance of the City of Leesburg is amended to read as set forth below:

Sec. 25-121. – Parade and procession permits.

(a) No procession or parade, excepting the forces of the United States Armed Services, the military forces of this state, and the forces of the police and fire departments, shall occupy, march, or proceed along any street or roadway except in accordance with a permit issued by the chief of police and such other regulations as are set forth in this article (~~See special use permit section 25-126~~) which may apply.

(b) No sound truck or other vehicle equipped with amplifier or loudspeaker shall be driven upon any street for the purpose of selling, offering for sale, or advertising in any fashion except in accordance with a permit issued by the chief of police.

(c) Section 25-121 shall not apply to any streets or roadways, or trucks driven down a street or roadway within or adjacent to real property with an ARD (age restricted development) zoning designation.

§25-288(d) of the Code of Ordinance of the City of Leesburg is amended to read as set forth below:

Sec. 25-288. – Commercial uses.

(d) Circus and carnival regulations. Before any circus or carnival commences operation on any private property within the City of Leesburg, a temporary permit shall be secured from the planning manager or his designee. Circuses or carnivals held on real property with an ARD (age restricted development) zoning designation are exempt from this provision. In determining whether to issue the temporary permit, the planning director shall take into account whether the proposed circus or carnival meets the following conditions:

(1) Off-street parking for a carnival shall be provided in an area equal to or greater than, in size, the area devoted to carnival activities. Off-street parking for a circus shall be provided at the rate of one (1) parking space per each five (5) seats. Where parking is provided in existing parking lots serving other permitted uses, the city shall determine if both uses can utilize the same parking areas without adversely affecting each other, any other permitted uses, and the surrounding neighborhood. Paved parking is not required for a circus or carnival.

(2) A carnival or circus located within five hundred (500) feet of any residence shall be prohibited from setting up, taking down, or conducting any operations, between the hours of midnight and 7:00 a.m.

(3) A temporary permit shall not be issued for a period in excess of ten (10)

consecutive days. No site may be permitted again for a circus or carnival within ninety (90) days after the expiration of the most recent permit.

(44) Any temporary signs advertising a carnival or circus must be permitted separately under the applicable provisions of the sign ordinance. The maximum allowable sign area on-site is one hundred (100) square feet. Temporary off-site signs advertising the event are prohibited.

(25) The carnival or circus must submit a plan detailing how access will be provided to the site and that plan shall be reviewed to insure that reasonable and safe access is provided for both vehicles and pedestrians.

(36) The applicant for a temporary permit for a carnival or circus shall pay an application fee in the amount of one hundred twenty dollars (\$120.00). Payment of the fee shall not be a guarantee that a permit will be issued. The applicant must meet all conditions of this section and any other applicable ordinances before a permit may be issued.

(47) The applicant must comply with F.S. § 546.003 and § 546.004 regarding insurance requirements; F.S. § 616.12 regarding licensing requirements; and F.S. § 616.15 regarding permitting requirements.

§ 25-292(18)d of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 25-292. – Supplemental district requirements.

d. *Applicability.*

1. This section shall apply to those lands within the corporate limits of the City of Leesburg except for any lands with an ARD (age restricted development) zoning designation.
2. This section shall apply to all mobile food vendors and mobile food vending activities, including permitting and operations.
3. Mobile vending shall not be permitted within the corporate limits of the City of Leesburg except as permitted under the conditions of this section.
4. Other vending and or sales from vehicles on public rights-of-way, or from or upon vacant lands within the corporate limits of the City of Leesburg shall not be permitted, regardless of the type of merchandise.

§ 25-362(b) of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 25-362. – Bicycle parking requirements.

(b) Exemptions. This section does not apply to single-family, two-family, three-family, and four-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, real property with an ARD (age restricted development)

zoning designation or other developments with fewer than ten (10) vehicle parking spaces.

SECTION VII.

§26.3 of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 26-3. - Exceptions to special event permit requirement.

The following activities are exempt from the special event permit requirement:

- (1) Funerals and funeral processions conducted by a licensed mortuary.
- (2) Activities conducted by governmental agency acting within the scope of its authority.
- (3) Lawful picketing on sidewalks.
- (4) Demonstrations that do not involve the use of vehicles, animals, fireworks, pyrotechnics or equipment (other than sound equipment), provided that:
 - a. No fee or donation is charged or required as a condition of participation in or attendance at such demonstration; and
 - b. The chief of police is notified at least thirty-six (36) hours in advance of the commencement of the demonstration.
- (5) Film-making activities conducted under the aegis of any organization or agency of the State of Florida, Lake County, the City of Leesburg, or other governmental agency, or successor agency, having responsibility for the promotion of or coordination of motion picture or television activities, when provisions for cost recovery for city support services have been made.
- (6) Events on private property which meet the definitions of "special event" shall be considered to be special events only if five hundred (500) or more people participating in the event will occupy adjacent streets or public property during the event. As used herein the term "occupy adjacent streets" shall not include the normal passage by vehicle or pedestrian for the sole purpose of traveling to and from the special event, nor the parking of vehicles in lawfully designated spaces along any street.
- (7) Events on real property zoned age restricted development (ARD). This shall include any event that occurs on public streets and public sidewalks within the age restricted development (ARD) zoning designation. This exemption includes an exemption from Section 26-18.
- ~~(7)~~ (8) Although not required to get a special event permit, an event organizer of an activity exempted by this subsection is required to comply with general regulations governing public safety or health.

SECTION VIII.

All ordinances or part of ordinances which are in conflict with this Ordinance are hereby repeals, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinance, in which case those ordinances so affected shall be hereby repealed in their entirety.

SECTION IX.

If any portion of this Ordinance is declared invalid or unenforceable, and to the extent that it is possible to do so without destroying the overall intent and effect of this Ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of the ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION X.

This Ordinance shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 10th day of October 2022.

THE CITY OF LEESBURG, FLORIDA

Mayor

ATTEST:

City Clerk



CITY OF LEESBURG PLANNING & ZONING DIVISION RECOMMENDATIONS

PROJECT: Villages of West Lake Code Amendments
REQUEST: Land Development Regulations - Code Amendments
Part II Chapter 5, Sections 5-2, 5-3, 5-6, and 5-16
Part II Chapter 12, Section 12-19
Part II Chapter 14, Section 14-71
Part II Chapter 15, Sections 15-5, 15-8
Part II Chapter 18, Sections 18-3, 18-7
Part II Chapter 25, Sections 25-121, 25-288, 25-292, 25-362
Part II Chapter 26, Section 26-3
CASE NO.: AMDT-22-391
MEETING DATE: August 18, 2022

BACKGROUND

The City of Leesburg Code of Ordinances includes regulations for the sale of alcohol, consumption of alcohol on public property, location of marijuana dispensaries, sales in streets and other public areas, parades and processions, operation of golf carts, circuses and carnivals, mobile food vending, bicycle parking, special events and regulations regarding public nuisances to include noise.

Under the current code, regulations for the ARD (Age Restricted Development) zoning are not included for the above mentioned uses and activities. As development is rapidly occurring within ARD zoned properties, these code amendments are needed to establish the regulations for the above mentioned uses within this zoning district.

THE PLANNING & ZONING DIVISION RECOMMENDS:

APPROVAL of the request

for the following reason(s):

1. The proposed request to amend the Land Development Regulations as shown in *Exhibit A*, is consistent with appropriate legally mandated planning and development practices in Florida, including the establishment of land development regulations.
2. The proposed request will establish regulations for the above mentioned uses within the ARD zoning district.

Action Requested:

1. Vote to approve the proposed amendments to the City's Land Development Regulations, as shown in *Exhibit A*, and forward to the City Commission for consideration.

EXHIBIT A

SECTION I.

§5-2(a) of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec 5-2. – Beverages containing more than three and two-tenths percent alcohol by weight; areas where sale permitted.

- (a) In order to preserve the public peace and safety of citizens of the city, all beverages containing more than three and two tenths (3.2) percent of alcohol by weight in the city shall be sold only within any area zoned Commercial "C-1," Commercial "C-2," Commercial "C-3," Central Business District "CBD," planned unit development (PUD), small planned unit development (SPUD), age restricted development (ARD), or Industrial "M-1."

§5-3(d) of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec 5-3(d) The setbacks contained in this section shall not apply within the central business district as defined in section 25.4 of this Code, to the age restricted development (ARD) zoning district, or to any establishment holding an occupational license as a restaurant, and otherwise duly licensed as such under any requirements of state or local law, which derives at least fifty-one (51) percent of its gross revenues from the sale of food and nonalcoholic beverages, and which does not sell or serve alcoholic beverages after the hours for serving food have elapsed. This section would not apply to restaurants outside the CBD where musical entertainment is provided.

§5-6(b)(4) of the Code of Ordinances of the City of Leesburg is created to read as set forth below:

Section 5-6 – Consumption of an open containers prohibited on public property; exceptions.

- (b) It shall not be a violation of subsection (a) for a person to engage in the activity prohibited by subsection (a) if the activity meets one (1) of the following conditions:
 - (4) All non-residential areas and uses, recreational areas and uses, areas of mixed use, and town centers within any age restricted development (ARD) zoning district. All special events held in the non-residential areas and uses, recreational areas and uses, and areas of mixed use within any age restricted development shall be exempt from the requirements in §5.6(b)(1-3) and §5.6(c).

§5-16 of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 5-16. – Medical marijuana.

- (d) Applicability. This section shall apply to those lands within the corporate limits of the city which are zoned C-1 (neighborhood commercial), C-2 (community commercial), C-3 (highway commercial), ARD (age restricted development) and CBD (central business district); and may also be included within planned zoning districts and overlays if included within the approval list of uses in the planned district conditions.
- (h)(1) Medical marijuana dispensaries may be allowed in commercial zoning districts to include C-1 (neighborhood commercial), C-2 (community commercial), C-3 (highway commercial), ARD (age

restricted development) and CBD (central business district); and may also be included within planned zoning districts and overlays if included within the approval list of uses in the planned district conditions.

SECTION II.

§12-19(a)(6) of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 12-19. – Regulation of public nuisances.

(a) As used in this section, the term “public nuisance” shall mean any residential building, place of commercial business or other property that has been used as or has been the location of:

(6) On more than four (4) occasions within a six-month period as the subject of citizen complaints regarding excessive noise, including music or musical instruments producing sufficient volume to be heard inside any residential structure more than one hundred (100) feet away from the site, with the windows closed; and raucous outdoor gatherings such as crowds assembled in a public or private parking lot (excluding any music or outdoor gatherings for which a special events permit has been issued under this Code); and all non-residential areas and uses, recreational areas and uses, and areas of mixed use within any age restricted development (ARD) zoning district.

SECTION III.

§14-71 of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 14-71. – Sales in streets and other public places.

It shall be unlawful for any auctioneer or other person to offer for sale, or sell at public auction or by public outcry, any goods, wares, or merchandise or any livestock, or any other personal property, or any real estate or interest therein, upon any street or public place in the city, unless written permission has been obtained from the city commission to do so. Section 14-71 shall not apply to any streets or public places within an area with an ARD (age restricted development) zoning designation.

SECTION IV.

§15-5 of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 15-5. – Hotel keepers, permitting loud noises.

It shall be the duty of every hotel, tavern or inn keeper, and the keeper of any billiard or pool table, and every other person keeping a public house, to prevent the persons, who may resort to their houses, from disturbing their neighbors, either in the day or in the nighttime, by loud cries, carousals, songs or other noises, calculated or having the effect to interrupt the tranquility, peace and quietude of the neighborhood, and any such person who shall allow or permit such disorder to be committed on his premises, shall be punished as provided in section 1-14 of this Code. Section 15-5 shall not apply to any non-residential areas and uses, recreational areas and uses, and areas of mixed use within any age restricted development (ARD) zoning district.

§15-8 of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 15-8. – Sound trucks and amplifying devices.

(a) It shall be unlawful for any person to operate or permit to be operated in the city any sound amplifying devices or equipment for any purpose whatever, whether the same be stationary or operated

from a vehicle or other carriage unless a permit has been obtained from the city manager so to do; provided, that it shall be unlawful for any person to make any loud and raucous noise to the disturbance of the peace. Any person to whom a permit has been issued under this section that abuses his discretion and causes or permits loud and raucous noises shall subject the permit to immediate revocation. Section 15-8(a) shall not apply to any non-residential areas and uses, recreational areas and uses, and areas of mixed use within any age restricted development (ARD) zoning district.

(b)The words sound amplifying equipment as used in this section shall mean any machine or device for the amplification of any sound.

SECTION V.

§18-3 of the Code of Ordinance of the City of Leesburg is amended to read as set forth below:

Sec. 18-3. – When permits required for parades, processions.

No procession or parade, excepting the forces of the United States armed services, the military forces of this state, and the forces of the police and fire departments, shall occupy, march, or proceed along any street or roadway except in accordance with a permit issued by the chief of police and such other regulations as are set forth in this chapter which may apply. No sound truck or other vehicle equipped with amplifier or loudspeaker shall be driven upon any street for the purpose of selling, offering for sale, or advertising in any fashion except in accordance with a permit issued by the chief of police. Section 18-3 shall not apply to any streets or roadways, or trucks driven down a street or roadway within or adjacent to a public place with an ARD (age restricted development) zoning designation.

§18-7(b) of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 18-7. – Operation of golf carts, etc. on certain city streets.

(b) Golf carts.

(1) Golf carts may be operated on city-owned streets, within the following areas, where the posted speed limit is twenty-five (25) miles per hour or less.

a. South of Dixie Avenue (SR 44): An area bounded on the north by Dixie Avenue (SR 44) to its intersection with Lake Port Boulevard, on the east by Lake Port Boulevard at its intersection with Dixie Avenue (SR 44) thence southerly along Lake Port Boulevard to its end, on the south by Lake Harris, and on the west by 14th Street (U.S. Highway 27).

b. South of Main Street and north of Dixie Avenue (SR 44): An area bounded on the north by Main Street, on the east by Dixie Avenue (SR 44) on the south by Dixie Avenue (SR 44) and on the west by 14th Street (U.S. Highway 27).

c. North of Main Street: An area bounded on the south by Main Street, on the east by Dixie Avenue (SR 44) on the north by North Boulevard (U.S. Highway 441) to its intersection with Perkins Street, and on the west by the following: Perkins Street from its intersection with North Boulevard (U.S. Highway 441) thence south along Perkins Street to Edmonds Street, thence westerly along Edmonds Street to Sunshine Avenue, thence northwesterly along Sunshine Avenue to 14th Street (U.S. Highway 27) thence southerly along 14th Street (U.S. Highway 27) to its intersection with Main Street.

d. North of North Boulevard (U.S. Highway 441): An area bounded on the south by North Boulevard (U.S. Highway 441), on the east from the intersection of North Boulevard (U.S. Highway 441) and North Lake Avenue thence north along North Lake Avenue to Bentley Road, thence west along Bentley Road to Stehle Road to the city limits; on the north by Lake Griffin and on the west by Beverley Point Road

thence southerly along Beverley Point Road to North Shore Road thence along North Shore Road to U.S. Highway 441.

e. All city roads within or adjacent to real property with an ARD (age restricted development) zoning designation.

(2) Golf carts must be operated on city streets, not on adjacent sidewalks. In addition, golf carts are authorized on the walkway and bridges connecting Ski Beach with Dozier Circle in Venetian Gardens.

(3) All golf carts operated within the city limits of Leesburg shall be equipped with efficient brakes, reliable steering apparatus, safe tires, a rear view mirror, red reflectorized warning devices on the front and rear of the vehicle, brake lights and a windshield.

(4) Operators of golf carts equipped as described above must use standard hand and arm signals to advise other motorists of their intention to turn or change lanes.

(5) Golf carts equipped as described in subsection (3) above may operate on city streets anytime between thirty (30) minutes after sunrise to thirty (30) minutes before sunset.

(6) Golf carts equipped with head lights, tail lights and turn signals in addition to items in subsection (3) above may operate on city streets anytime between 5:00 a.m. and 10:00 p.m. The city manager may extend hours of operation in conjunction with special events. The request to extend hours will be included in the special event permit application and the modified hours of operation will be specified in the approved permit.

(7) Golf carts that meet the minimum equipment standards established by Florida State Statutes are allowed to utilize the roadways within property zoned ARD (age restricted development) for all roadways signed 30 miles per hour or less and can operate between sunrise and sunset.

Golf carts that meet the minimum equipment standards established by Florida State Statutes and are equipped with additional equipment which includes headlights, brake lights, turn signals, a windshield, and reflective devices on the sides of the golf cart that could include reflective tape, are allowed to utilize the roadways within property zoned ARD (age restricted development) for all roadways signed 30 miles per hour or less and can operate at any time day or night.

Golf cart access to or from city streets or multimodal paths outside ARD (age restricted development) zoning designations are not required and are prohibited unless explicitly approved by the developer or its successors or assigns.

~~(7)~~(8) Drivers of a golf cart must be at least eighteen (18) years old. All drivers of golf carts must possess a valid driver's license. Notwithstanding anything herein to the contrary, however, any individual whose driver's license has been suspended or revoked, may not operate a golf cart within the city unless and until the suspension or revocation of his or her driver's license is lifted and a valid driver's license is issued. Notwithstanding the above, drivers of golf carts operated on roads or multi-use pathways within or adjacent to property zoned ARD (age restricted development) shall be at least sixteen (16) years of age but are not required to have a valid driver's license.

~~(8)~~(9) Golf carts may not be operated on state or county roads within the city limits or on sidewalks adjacent to state or county roads within city limits. Golf carts may not cross state-

or county-owned roads unless specifically permitted by the Florida Department of Transportation or Lake County respectively.

~~(9)~~(10) This section does not regulate operation of golf carts in gated communities with private roads.

§18-7(d)(6) of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

(d) Utility vehicles.

(6) Section 18-7(d)(1-5) shall not apply to utility vehicles operated on property zoned ARD (age restricted development).

SECTION VI.

§25-121 of the Code of Ordinance of the City of Leesburg is amended to read as set forth below:

Sec. 25-121. – Parade and procession permits.

(a) No procession or parade, excepting the forces of the United States Armed Services, the military forces of this state, and the forces of the police and fire departments, shall occupy, march, or proceed along any street or roadway except in accordance with a permit issued by the chief of police and such other regulations as are set forth in this article ~~(See special use permit section 25-126)~~ which may apply.

(b) No sound truck or other vehicle equipped with amplifier or loudspeaker shall be driven upon any street for the purpose of selling, offering for sale, or advertising in any fashion except in accordance with a permit issued by the chief of police.

(c) Section 25-121 shall not apply to any streets or roadways, or trucks driven down a street or roadway within or adjacent to real property with an ARD (age restricted development) zoning designation.

§25-288(d) of the Code of Ordinance of the City of Leesburg is amended to read as set forth below:

Sec. 25-288. – Commercial uses.

(d) Circus and carnival regulations. Before any circus or carnival commences operation on any private property within the City of Leesburg, a temporary permit shall be secured from the planning manager or his designee. Circuses or carnivals held on real property with an ARD (age restricted development) zoning designation are exempt from this provision. In determining whether to issue the temporary permit, the planning director shall take into account whether the proposed circus or carnival meets the following conditions:

(1) Off-street parking for a carnival shall be provided in an area equal to or greater than, in size, the area devoted to carnival activities. Off-street parking for a circus shall be provided at the rate of one (1) parking space per each five (5) seats. Where parking is provided in existing parking lots serving other permitted uses, the city shall determine if both uses can utilize the same parking areas without adversely affecting each other, any other permitted uses, and the surrounding neighborhood. Paved parking is not required for a circus or carnival.

(2) A carnival or circus located within five hundred (500) feet of any residence shall be prohibited from setting up, taking down, or conducting any operations, between the hours of midnight and 7:00 a.m.

(3) A temporary permit shall not be issued for a period in excess of ten (10) consecutive days. No site may be permitted again for a circus or carnival within ninety (90) days after the expiration of the most recent permit.

~~(4)~~ Any temporary signs advertising a carnival or circus must be permitted separately under the applicable provisions of the sign ordinance. The maximum allowable sign area on-site is one hundred (100) square feet. Temporary off-site signs advertising the event are prohibited.

(25) The carnival or circus must submit a plan detailing how access will be provided to the site and that plan shall be reviewed to insure that reasonable and safe access is provided for both vehicles and pedestrians.

(36) The applicant for a temporary permit for a carnival or circus shall pay an application fee in the amount of one hundred twenty dollars (\$120.00). Payment of the fee shall not be a guarantee that a permit will be issued. The applicant must meet all conditions of this section and any other applicable ordinances before a permit may be issued.

(47) The applicant must comply with F.S. § 546.003 and § 546.004 regarding insurance requirements; F.S. § 616.12 regarding licensing requirements; and F.S. § 616.15 regarding permitting requirements.

§ 25-292(18)d of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 25-292. – Supplemental district requirements.

d. *Applicability.*

1. This section shall apply to those lands within the corporate limits of the City of Leesburg except for any lands with an ARD (age restricted development) zoning designation.
2. This section shall apply to all mobile food vendors and mobile food vending activities, including permitting and operations.
3. Mobile vending shall not be permitted within the corporate limits of the City of Leesburg except as permitted under the conditions of this section.
4. Other vending and or sales from vehicles on public rights-of-way, or from or upon vacant lands within the corporate limits of the City of Leesburg shall not be permitted, regardless of the type of merchandise.

§ 25-362(b) of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 25-362. – Bicycle parking requirements.

(b) Exemptions. This section does not apply to single-family, two-family, three-family, and four-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, real property with an ARD (age restricted development) zoning designation or other developments with fewer than ten (10) vehicle parking spaces.

SECTION VII.

§26.3 of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 26-3. - Exceptions to special event permit requirement.

The following activities are exempt from the special event permit requirement:

- (1) Funerals and funeral processions conducted by a licensed mortuary.
- (2) Activities conducted by governmental agency acting within the scope of its authority.
- (3) Lawful picketing on sidewalks.
- (4) Demonstrations that do not involve the use of vehicles, animals, fireworks, pyrotechnics or equipment (other than sound equipment), provided that:
 - a. No fee or donation is charged or required as a condition of participation in or attendance at such demonstration; and
 - b. The chief of police is notified at least thirty-six (36) hours in advance of the commencement of the demonstration.

(5) Film-making activities conducted under the aegis of any organization or agency of the State of Florida, Lake County, the City of Leesburg, or other governmental agency, or successor agency, having responsibility for the promotion of or coordination of motion picture or television activities, when provisions for cost recovery for city support services have been made.

(6) Events on private property which meet the definitions of "special event" shall be considered to be special events only if five hundred (500) or more people participating in the event will occupy adjacent streets or public property during the event. As used herein the term "occupy adjacent streets" shall not include the normal passage by vehicle or pedestrian for the sole purpose of traveling to and from the special event, nor the parking of vehicles in lawfully designated spaces along any street.

(7) Events on real property zoned age restricted development (ARD). This shall include any event that occurs on public streets and public sidewalks within the age restricted development (ARD) zoning designation. This exemption includes an exemption from Section 26-18.

~~(7)~~ (8) Although not required to get a special event permit, an event organizer of an activity exempted by this subsection is required to comply with general regulations governing public safety or health.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA; AMENDING PART II, CHAPTER 5 OF THE MUNICIPAL CODE, AMENDING SECTION 5-2 AS TO THE ZONING AREAS WHERE ALCOHOLIC SALES ARE PERMITTED AND SECTION 5-6 AS TO THE AREAS EXEMPT FROM OPEN CONTAINER PROHIBITIONS, AMENDING SECTION 5-16 AS TO THE ZONING FOR MEDICAL MARIJUANA DISPENSARIES, AMENDING PART II CHAPTER 12 OF THE MUNICIPAL CODE, AMENDING SECTION 12-19 ADDING AN EXEMPTION, AMENDING PART II, CHAPTER 14 OF THE MUNICIPAL CODE, AMENDING SECTION 14-71 ADDING AN EXEMPTION, AMENDING PART II CHAPTER 15 OF THE MUNICIPAL CODE, AMENDING SECTION 15-5, ADDING AN EXEMPTION AND AMENDING SECTION 15-8 ADDING AN EXEMPTION, AMENDING PART II, CHAPTER 18 OF THE MUNICIPAL CODE, AMENDING SECTION 18-3, ADDING AN EXEMPTION AND AMENDING SECTION 18-7 EXEMPTING THE OPERATION OF GOLF CARTS AND UTILITY VEHICLES FROM CERTAIN PROVISION, AMENDING PART II, CHAPTER 25 OF THE MUNICIPAL CODE, AMENDING SECTION 25-121, ADDING AN EXEMPTION, AMENDING SECTION 25-288, ADDING AN EXEMPTION, AMENDING SECTION 25-292, ADDING AN EXEMPTION, AND AMENDING SECTION 25-362, ADDING AN EXEMPTION, AMENDING PART II, CHAPTER 26 OF THE MUNICIPAL CODE, AMENDING SECTION 26-3 AS TO THE EXCEPTIONS TO SPECIAL EVENT PERMIT REQUIREMENTS, REPEALING CONFLICTING ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has an interest in controlling the sale of alcohol and the public consumption of alcohol to ensure the safety of all City residents; and

WHEREAS, the City seeks to permit the sale of alcoholic beverages within the ARD (age restricted development) zoning district; and

WHEREAS, the City seeks to add an additional exemption from the open consumption of alcohol prohibition; and

WHEREAS, the City seeks to exempt property within the ARD (age restricted development) zoning designation from certain provisions related to medical marijuana, noise, golf carts, utility vehicles, sale in public places, circuses and carnivals, mobile food vendors, bicycle parking, and special events.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.

§5-2(a) of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec 5-2. – Beverages containing more than three and two-tenths percent alcohol by weight; areas where sale permitted.

- (a) In order to preserve the public peace and safety of citizens of the city, all beverages containing more than three and two tenths (3.2) percent of alcohol by weight in the city shall be sold only within any area zoned Commercial “C-1,” Commercial “C-2,” Commercial “C-3,” Central Business District “CBD,” planned unit development (PUD), small planned unit development (SPUD), age restricted development (ARD), or Industrial “M-1.”

§5-3(d) of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec 5-3(d) The setbacks contained in this section shall not apply within the central business district as defined in section 25.4 of this Code, to the age restricted development (ARD) zoning district, or to any establishment holding an occupational license as a restaurant, and otherwise duly licensed as such under any requirements of state or local law, which derives at least fifty-one (51) percent of its gross revenues from the sale of food and nonalcoholic beverages, and which does not sell or serve alcoholic beverages after the hours for serving food have elapsed. This section would not apply to restaurants outside the CBD where musical entertainment is provided.

§5-6(b)(4) of the Code of Ordinances of the City of Leesburg is created to read as set forth below:

Section 5-6 – Consumption of an open containers prohibited on public property; exceptions.

- (b) It shall not be a violation of subsection (a) for a person to engage in the activity prohibited by subsection (a) if the activity meets one (1) of the following conditions:
 - (4) All non-residential areas and uses, recreational areas and uses, areas of mixed use, and town centers within any age restricted development (ARD) zoning district. All special events held in the non-residential areas and uses, recreational areas and uses, and areas of mixed use within any age restricted development shall be exempt from the requirements in §5.6(b)(1-3) and §5.6(c).

§5-16 of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 5-16. – Medical marijuana.

- (d) Applicability. This section shall apply to those lands within the corporate limits of the city which are zoned C-1 (neighborhood commercial), C-2 (community commercial), C-3 (highway commercial), ARD (age restricted development) and CBD (central business district);

and may also be included within planned zoning districts and overlays if included within the approval list of uses in the planned district conditions.

(h)(1) Medical marijuana dispensaries may be allowed in commercial zoning districts to include C-1 (neighborhood commercial), C-2 (community commercial), C-3 (highway commercial), ARD (age restricted development) and CBD (central business district); and may also be included within planned zoning districts and overlays if included within the approval list of uses in the planned district conditions.

SECTION II.

§12-19(a)(6) of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 12-19. – Regulation of public nuisances.

(a) As used in this section, the term “public nuisance” shall mean any residential building, place of commercial business or other property that has been used as or has been the location of:

(6) On more than four (4) occasions within a six-month period as the subject of citizen complaints regarding excessive noise, including music or musical instruments producing sufficient volume to be heard inside any residential structure more than one hundred (100) feet away from the site, with the windows closed; and raucous outdoor gatherings such as crowds assembled in a public or private parking lot (excluding any music or outdoor gatherings for which a special events permit has been issued under this Code); and all non-residential areas and uses, recreational areas and uses, and areas of mixed use within any age restricted development (ARD) zoning district.

SECTION III.

§14-71 of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 14-71. – Sales in streets and other public places.

It shall be unlawful for any auctioneer or other person to offer for sale, or sell at public auction or by public outcry, any goods, wares, or merchandise or any livestock, or any other personal property, or any real estate or interest therein, upon any street or public place in the city, unless written permission has been obtained from the city commission to do so. Section 14-71 shall not apply to any streets or public places within an area with an ARD (age restricted development) zoning designation.

SECTION IV.

§15-5 of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 15-5. – Hotel keepers, permitting loud noises.

It shall be the duty of every hotel, tavern or inn keeper, and the keeper of any billiard or pool table, and every other person keeping a public house, to prevent the persons, who may resort to their houses, from disturbing their neighbors, either in the day or in the nighttime, by loud cries, carousals, songs or other noises, calculated or having the effect to interrupt the tranquility, peace and quietude of the neighborhood, and any such person who shall allow or permit such disorder to be committed on his premises, shall be punished as provided in section 1-14 of this Code. Section 15-5 shall not apply to any non-residential areas and uses, recreational areas and uses, and areas of mixed use within any age restricted development (ARD) zoning district.

§15-8 of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 15-8. – Sound trucks and amplifying devices.

(a) It shall be unlawful for any person to operate or permit to be operated in the city any sound amplifying devices or equipment for any purpose whatever, whether the same be stationary or operated from a vehicle or other carriage unless a permit has been obtained from the city manager so to do; provided, that it shall be unlawful for any person to make any loud and raucous noise to the disturbance of the peace. Any person to whom a permit has been issued under this section that abuses his discretion and causes or permits loud and raucous noises shall subject the permit to immediate revocation. Section 15-8(a) shall not apply to any non-residential areas and uses, recreational areas and uses, and areas of mixed use within any age restricted development (ARD) zoning district.

(b) The words sound amplifying equipment as used in this section shall mean any machine or device for the amplification of any sound.

SECTION V.

§18-3 of the Code of Ordinance of the City of Leesburg is amended to read as set forth below:

Sec. 18-3. – When permits required for parades, processions.

No procession or parade, excepting the forces of the United States armed services, the military forces of this state, and the forces of the police and fire departments, shall occupy, march, or proceed along any street or roadway except in accordance with a permit issued by the chief of police and such other regulations as are set forth in this chapter which may apply. No sound truck or other vehicle equipped with amplifier or loudspeaker shall be driven upon any street for the purpose of selling, offering for sale, or advertising in any fashion except in accordance with a permit issued by the chief of police. Section 18-3 shall not apply to any streets or roadways, or trucks driven down a street or roadway within or adjacent to a public place with an ARD (age restricted development) zoning designation.

§18-7(b) of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 18-7. – Operation of golf carts, etc. on certain city streets.

(b) Golf carts.

(1) Golf carts may be operated on city-owned streets, within the following areas, where the posted speed limit is twenty-five (25) miles per hour or less.

a. South of Dixie Avenue (SR 44): An area bounded on the north by Dixie Avenue (SR 44) to its intersection with Lake Port Boulevard, on the east by Lake Port Boulevard at its intersection with Dixie Avenue (SR 44) thence southerly along Lake Port Boulevard to its end, on the south by Lake Harris, and on the west by 14th Street (U.S. Highway 27).

b. South of Main Street and north of Dixie Avenue (SR 44): An area bounded on the north by Main Street, on the east by Dixie Avenue (SR 44) on the south by Dixie Avenue (SR 44) and on the west by 14th Street (U.S. Highway 27).

c. North of Main Street: An area bounded on the south by Main Street, on the east by Dixie Avenue (SR 44) on the north by North Boulevard (U.S. Highway 441) to its intersection with Perkins Street, and on the west by the following: Perkins Street from its intersection with North Boulevard (U.S. Highway 441) thence south along Perkins Street to Edmonds Street, thence westerly along Edmonds Street to Sunshine Avenue, thence northwesterly along Sunshine Avenue to 14th Street (U.S. Highway 27) thence southerly along 14th Street (U.S. Highway 27) to its intersection with Main Street.

d. North of North Boulevard (U.S. Highway 441): An area bounded on the south by North Boulevard (U.S. Highway 441), on the east from the intersection of North Boulevard (U.S. Highway 441) and North Lake Avenue thence north along North Lake Avenue to Bentley Road, thence west along Bentley Road to Stehle Road to the city limits; on the north by Lake Griffin and on the west by Beverley Point Road thence southerly along Beverley Point Road to North Shore Road thence along North Shore Road to U.S. Highway 441.

e. All city roads within or adjacent to real property with an ARD (age restricted development) zoning designation.

(2) Golf carts must be operated on city streets, not on adjacent sidewalks. In addition, golf carts are authorized on the walkway and bridges connecting Ski Beach with Dozier Circle in Venetian Gardens.

(3) All golf carts operated within the city limits of Leesburg shall be equipped with efficient brakes, reliable steering apparatus, safe tires, a rear view mirror, red reflectorized warning devices on the front and rear of the vehicle, brake lights and a windshield.

(4) Operators of golf carts equipped as described above must use standard hand and arm signals to advise other motorists of their intention to turn or change lanes.

(5) Golf carts equipped as described in subsection (3) above may operate on city streets anytime between thirty (30) minutes after sunrise to thirty (30) minutes before sunset.

(6) Golf carts equipped with head lights, tail lights and turn signals in addition to items in subsection (3) above may operate on city streets anytime between 5:00 a.m. and 10:00 p.m. The city manager may extend hours of operation in conjunction with special events. The request to extend hours will be included in the special event permit application and the modified hours of operation will be specified in the approved permit.

(7) Golf carts that meet the minimum equipment standards established by Florida State Statutes are allowed to utilize the roadways within property zoned ARD (age restricted development) for all roadways signed 30 miles per hour or less and can operate between sunrise and sunset.

Golf carts that meet the minimum equipment standards established by Florida State Statutes and are equipped with additional equipment which includes headlights, brake lights, turn signals, a windshield, and reflective devices on the sides of the golf cart that could include reflective tape, are allowed to utilize the roadways within property zoned ARD (age restricted development) for all roadways signed 30 miles per hour or less and can operate at any time day or night.

Golf cart access to or from city streets or multimodal paths outside ARD (age restricted development) zoning designations are not required and are prohibited unless explicitly approved by the developer or its successors or assigns.

~~(7)~~(8) Drivers of a golf cart must be at least eighteen (18) years old. All drivers of golf carts must possess a valid driver's license. Notwithstanding anything herein to the contrary, however, any individual whose driver's license has been suspended or revoked, may not operate a golf cart within the city unless and until the suspension or revocation of his or her driver's license is lifted and a valid driver's license is issued. Notwithstanding the above, drivers of golf carts operated on roads or multi-use pathways within or adjacent to property zoned ARD (age restricted development) shall be at least sixteen (16) years of age but are not required to have a valid driver's license.

~~(8)~~(9) Golf carts may not be operated on state or county roads within the city limits or on sidewalks adjacent to state or county roads within city limits. Golf carts may not cross state- or county-owned roads unless specifically permitted by the Florida Department of Transportation or Lake County respectively.

~~(9)~~(10) This section does not regulate operation of golf carts in gated communities with private roads.

§18-7(d)(6) of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

(d) Utility vehicles.

(6) Section 18-7(d)(1-5) shall not apply to utility vehicles operated on property zoned ARD (age restricted development).

SECTION VI.

§25-121 of the Code of Ordinance of the City of Leesburg is amended to read as set forth below:

Sec. 25-121. – Parade and procession permits.

(a) No procession or parade, excepting the forces of the United States Armed Services, the military forces of this state, and the forces of the police and fire departments, shall occupy, march, or proceed along any street or roadway except in accordance with a permit issued by the chief of police and such other regulations as are set forth in this article (~~See special use permit section 25-126~~) which may apply.

(b) No sound truck or other vehicle equipped with amplifier or loudspeaker shall be driven upon any street for the purpose of selling, offering for sale, or advertising in any fashion except in accordance with a permit issued by the chief of police.

(c) Section 25-121 shall not apply to any streets or roadways, or trucks driven down a street or roadway within or adjacent to real property with an ARD (age restricted development) zoning designation.

§25-288(d) of the Code of Ordinance of the City of Leesburg is amended to read as set forth below:

Sec. 25-288. – Commercial uses.

(d) Circus and carnival regulations. Before any circus or carnival commences operation on any private property within the City of Leesburg, a temporary permit shall be secured from the planning manager or his designee. Circuses or carnivals held on real property with an ARD (age restricted development) zoning designation are exempt from this provision. In determining whether to issue the temporary permit, the planning director shall take into account whether the proposed circus or carnival meets the following conditions:

(1) Off-street parking for a carnival shall be provided in an area equal to or greater than, in size, the area devoted to carnival activities. Off-street parking for a circus shall be provided at the rate of one (1) parking space per each five (5) seats. Where parking is provided in existing parking lots serving other permitted uses, the city shall determine if both uses can utilize the same parking areas without adversely affecting each other, any other permitted uses, and the surrounding neighborhood. Paved parking is not required for a circus or carnival.

(2) A carnival or circus located within five hundred (500) feet of any residence shall be prohibited from setting up, taking down, or conducting any operations, between the hours of midnight and 7:00 a.m.

(3) A temporary permit shall not be issued for a period in excess of ten (10) consecutive days. No site may be permitted again for a circus or carnival within ninety (90) days after the expiration of the most recent permit.

(4) Any temporary signs advertising a carnival or circus must be permitted separately under the applicable provisions of the sign ordinance. The maximum allowable sign area on-site is one hundred (100) square feet. Temporary off-site signs advertising the event are prohibited.

(5) The carnival or circus must submit a plan detailing how access will be provided to the site and that plan shall be reviewed to insure that reasonable and safe access is provided for both vehicles and pedestrians.

(6) The applicant for a temporary permit for a carnival or circus shall pay an application fee in the amount of one hundred twenty dollars (\$120.00). Payment of the fee shall not be a guarantee that a permit will be issued. The applicant must meet all conditions of this section and any other applicable ordinances before a permit may be issued.

(7) The applicant must comply with F.S. § 546.003 and § 546.004 regarding insurance requirements; F.S. § 616.12 regarding licensing requirements; and F.S. § 616.15 regarding permitting requirements.

§ 25-292(18)d of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 25-292. – Supplemental district requirements.

d. Applicability.

1. This section shall apply to those lands within the corporate limits of the City of Leesburg except for any lands with an ARD (age restricted development) zoning designation.
2. This section shall apply to all mobile food vendors and mobile food vending activities, including permitting and operations.
3. Mobile vending shall not be permitted within the corporate limits of the City of Leesburg except as permitted under the conditions of this section.
4. Other vending and or sales from vehicles on public rights-of-way, or from or upon vacant lands within the corporate limits of the City of Leesburg shall not be permitted, regardless of the type of merchandise.

§ 25-362(b) of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 25-362. – Bicycle parking requirements.

(b) Exemptions. This section does not apply to single-family, two-family, three-family, and four-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, real property with an ARD (age restricted development) zoning designation or other developments with fewer than ten (10) vehicle parking spaces.

SECTION VII.

§26.3 of the Code of Ordinances of the City of Leesburg is amended to read as set forth below:

Sec. 26-3. - Exceptions to special event permit requirement.

The following activities are exempt from the special event permit requirement:

- (1) Funerals and funeral processions conducted by a licensed mortuary.
- (2) Activities conducted by governmental agency acting within the scope of its authority.
- (3) Lawful picketing on sidewalks.
- (4) Demonstrations that do not involve the use of vehicles, animals, fireworks, pyrotechnics or equipment (other than sound equipment), provided that:
 - a. No fee or donation is charged or required as a condition of participation in or attendance at such demonstration; and
 - b. The chief of police is notified at least thirty-six (36) hours in advance of the commencement of the demonstration.
- (5) Film-making activities conducted under the aegis of any organization or agency of the State of Florida, Lake County, the City of Leesburg, or other governmental agency, or successor agency, having responsibility for the promotion of or coordination of motion picture or television activities, when provisions for cost recovery for city support services have been made.
- (6) Events on private property which meet the definitions of "special event" shall be considered to be special events only if five hundred (500) or more people participating in the event will occupy adjacent streets or public property during the event. As used herein the term "occupy adjacent streets" shall not include the normal passage by vehicle or pedestrian for the sole purpose of traveling to and from the special event, nor the parking of vehicles in lawfully designated spaces along any street.
- (7) Events on real property zoned age restricted development (ARD). This shall include any event that occurs on public streets and public sidewalks within the age restricted development (ARD) zoning designation. This exemption includes an exemption from Section 26-18.
- ~~(7)~~ (8) Although not required to get a special event permit, an event organizer of an activity exempted by this subsection is required to comply with general regulations governing public safety or health.

SECTION VIII.

All ordinances or part of ordinances which are in conflict with this Ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any

of the conflicting ordinance, in which case those ordinances so affected shall be hereby repealed in their entirety.

SECTION IX.

If any portion of this Ordinance is declared invalid or unenforceable, and to the extent that it is possible to do so without destroying the overall intent and effect of this Ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of the ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION X.

This Ordinance shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____ 2022.

Mayor

ATTEST:

City Clerk