

Summary of Ordinance

The purpose of this Ordinance is to amend Lake County Code, Appendix E, Land Development Regulations (“LDR”), to provide for accessory uses and structures in non-residential districts. Specifically, this ordinance defines donation drop-off locations as non-residential accessory uses and their placement.

Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code sections. The notation “* * *” shall mean that all preceding or subsequent text remains unchanged (excluding any renumbering or relettering that might be needed).

ORDINANCE 2020-____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, CHAPTER II, ENTITLED *DEFINITIONS*, TO INCLUDE THE DEFINITION OF DONATION DROP-OFF LOCATION; RENUMBERING SECTION 3.14.00, ENTITLED *TEMPORARY PORTABLE STORAGE CONTAINERS* TO SECTION 10.04.00; CREATING SECTION 10.03.00, ENTITLED *NON-RESIDENTIAL ACCESSORY USES AND STRUCTURES*; CREATING SECTION 10.03.01, ENTITLED *ACCESSORY USES FOR THE PURPOSE OF DONATION DROP-OFF LOCATIONS*; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lake County, Florida desires to amend Lake County Code, Appendix E, Land Development Regulations, to provide for accessory uses and structures in non-residential districts; and

WHEREAS, donation bins are an accessory use for the purpose of donation drop-off; and

WHEREAS, some donation bins in Lake County have overflow that is unmanaged and the owners of the bins are unknown or unresponsive; and

WHEREAS, the Lake County Board of County Commissioners determines that this amendment is in the best interests of the citizens of Lake County, Florida.

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.

Section 2. Amendment. Lake County Code, Appendix E, Land Development Regulations, Chapter II, entitled *Definitions*, is hereby amended as follows.

Dominance. The presence of species or communities in greater numbers, biomass, or areal extent than competing species or communities, or a scientifically accepted tendency of species or communities to achieve such a status under existing or reasonably anticipated conditions.

Donation Drop-Off Location. An accessory use, a self-contained receptacle which is used for the collection of donated items. A donation drop-off location may not be located on vacant property.

Dormitory. A Building or part of a Building operated by an institution for living and sleeping, but not for cooking or eating purposes.

Section 3. Creation. Section 10.03.00, entitled *Non-Residential Accessory Uses and Structures*, and Section 10.03.01, entitled *Accessory uses for the purpose of donation drop-off locations*, Lake County Code, Appendix E, Land Development Regulations, are hereby created as follows.

10.03.00 Non-Residential Accessory Uses and Structures. Accessory uses and structures in commercial and Industrial zoning districts shall comply with all setback requirements of the principle building.

10.03.01 Accessory uses for the purpose of donation drop-off locations.

A. Accessory uses for the purpose of donation drop-off locations (“donation bins”) may be permitted in non-residential districts subject to the following:

1. The use is for a non-profit organization only.
2. The donation bin must have the organization’s name and contact phone number printed on the side of the bin and plainly visible to the public.
3. The use is maintained within an enclosed container donation bin. The overflow of donated items is not permitted, and maintenance of the location shall be the responsibility of the property owner.
4. The donation bin must have a statement printed on it that is plainly visible to the public that conveys that only items able to fit inside the bin may be donated at the site, and that no overflow items may be left on the ground.
5. The donation bin meets all setbacks associated with the principle structure on the lot or parcel where it is located and shall be located behind the building front of the principle structure.
6. The donation bin may not be located within any required parking spaces associated with the principle use of the lot or parcel, nor may it be located within any vehicle or pedestrian travel lanes. All donation bins must be located only upon improved,

1 level, and paved surfaces which constitute part of larger developed and occupied
2 building site. No donation bin shall be permitted on any site that is developed but
3 unoccupied. Donation bins shall not encroach on any required landscaping, and no
4 required landscaping shall be removed to install a donation bin.

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6 7. The donation bin may be no greater than one hundred twenty (120) square feet in
7 size.

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9 8. The container must be maintained in good repair and shall match the color of the
10 principle structure located on the same lot or parcel. A donation bin shall be limited
11 to one (1) bin per parcel, except that one (1) additional donation bin may be
12 permitted if the parcel or lot is greater than two (2) acres in size.

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14 9. Approval from the Office of Planning and Zoning shall be required prior to
15 installation of any such use. In order to obtain approval for one or more donation
16 bins(s) on a site, the applicant shall file with the County in writing the following
17 information:

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19 i. A completed application and applicable fees; and

20 ii. A site plan showing the location of the proposed donation bin and all site
21 improvements on the property. The location of the donation bin(s) shall
22 comply with the requirements of this Section; and

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24 iii. Notarized written consent of the property owner or legal designee to
25 establish the donation bin(s); and

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27 iv. Information as to the manner and schedule for which the donation bin(s)
28 will be emptied and maintained; and

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30 v. Evidence that the applicant is authorized to conduct business in the State of
31 Florida.

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33 B. Exemptions. Exempt from the requirements of subpart A above are accessory uses for the
34 purpose of donation drop-off locations which are necessary for execution of the business
35 enterprise lawfully situated on private property.

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37 **Section 4. Renumbering.** Section 3.14.00, Lake County Code, Appendix E, Land
38 Development Regulations, entitled *Temporary Portable Storage Containers*, is hereby
39 renumbered as Section 10.04.00.

40 **Section 5. Inclusion in Code.** It is the intent of the Board of County Commissioners
41 that the provisions of this Ordinance shall become and be made a part of the Lake County Code
42 and that the sections of this Ordinance may be renumbered or relettered and the word “ordinance”
43 may be changed to “section”, “article”, or such other appropriate word or phrase in order to
44 accomplish such intentions.

1 **Section 6. Severability.** If any section, sentence, clause, phrase or word of this
2 Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such
3 holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be
4 construed to have been the Commissioners’ intent to pass this Ordinance without such
5 unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the
6 exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been
7 included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any
8 person, groups of persons, property, kind of property, circumstances or set of circumstances, such
9 holding shall not affect the applicability thereof to any other person, property or circumstances.

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11 **Section 7. Filing with the Department of State.** The Clerk shall be and is hereby
12 directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the
13 State of Florida in accordance with Section 125.66, Florida Statutes.

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15 **Section 8. Effective Date.** This ordinance shall become effective as provided for by
16 law.

17
18 ENACTED this day of _____ day of _____, 2020.

19
20 FILED with the Secretary of State the ____ day of _____, 2020.

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23 ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

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29 _____
30 Gary J. Cooney, Clerk
31 Board of County Commissioners of
32 Lake County, Florida

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37 _____
38 Leslie Campione, Chairman
This ____ day of _____, 2020.

39
40 Approved as to form and legality:

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42 _____
43 Melanie Marsh, County Attorney