

Summary of Ordinance

This Ordinance amends Section 3.01.03, entitled *Schedule of Permitted Uses and Conditional Uses*, Lake County Code, Appendix E, Land Development Regulations, and creates Section 3.01.06, Lake County Code, Appendix E, Land Development Regulations, to be entitled *Prohibited Uses*, to clarify that nothing within the Land Development Regulations authorizes any uses that are determined to be illegal or prohibited by Florida law.

Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to

ORDINANCE NO. 2024-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE FOLLOWING SECTIONS OF THE LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS: AMENDING SECTION 3.01.03, ENTITLED *SCHEDULE OF PERMITTED AND CONDITIONAL USES*; REMOVING ELECTRONIC GAME ROOM FACILITIES FROM THE SCHEDULE; CREATING SECTION 3.01.06, TO BE ENTITLED *PROHIBITED USES*; CLARIFYING USES PROHIBITED BY STATE LAW SHALL NOT BE PERMITTED IN UNINCORPORATED LAKE COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in the last decade, electronic game rooms have created problematic issues for local law enforcement authorities, complicated by limitations of resources and difficulty of enforcement of state law; and

WHEREAS, the uncontrolled proliferation of electronic game rooms throughout Lake County will have a detrimental impact on the health, safety and welfare of its citizens and visitors, unless properly regulated; and

WHEREAS, the Board of County Commissioners (Board) has a duty to reduce potential detrimental impact of a proliferation of electronic game rooms; and

WHEREAS, confusion has existed for some years as to the interpretation and enforcement of State statutes regarding electronic games, which grant an exemption from the statutory framework prohibiting illegal gambling activities; and

WHEREAS, to avoid such activity transitioning to and becoming illegal gambling, strict compliance with the law must occur; and

1 **WHEREAS**, local law enforcement authorities have limited resources with which to police
2 this industry, and a regulatory fee will better fund enforcement efforts and ensure compliance with
3 the law; and
4

5 **WHEREAS**, the County has evaluated and estimated the costs of permitting and
6 enforcement, and has determined that the permitting fees and revenues will not exceed such costs;
7 and
8

9 **WHEREAS**, the increased participation in electronic game rooms has the potential to
10 mislead and confuse unwary residents and patrons if not regulated, and therefore increases the
11 need for regulation; and
12

13 **WHEREAS**, an ordinance to regulate the use of electronic games which display images
14 associated with slot machines and gambling will protect the public welfare; and
15

16 **WHEREAS**, increased participation by residents and patrons in electronic game rooms
17 increases the need for a security presence on the premises offering the activity, so as to prevent
18 and/or deter criminal activity; and
19

20 **WHEREAS**, a likelihood of confusion exists of businesses using electronic games to
21 conduct drawings by chance and game promotions or sweepstakes or other lawful uses, with
22 businesses that may use electronic equipment to conduct gambling, as both legitimate and illegal
23 operations often display images associated with traditional slot machines, and fraud and
24 misrepresentation may occur at these businesses because of this confusion unless properly
25 regulated; and
26

27 **WHEREAS**, some operations display images of gambling or slot machines in their
28 advertisements and signage suggesting the presence of illegal activity; and those activities should
29 be controlled and regulated; and
30

31 **WHEREAS**, on February 23, 2021, the Board adopted Ordinance No. 2021-4, which
32 created Article X, Chapter 3, Lake County Code, entitled *Electronic Game Room Facilities*; and
33

34 **WHEREAS**, on August 21, 2021, the Board adopted Ordinance No. 2021-20 to further
35 amend the Electronic Game Room Facilities Code; and
36

37 **WHEREAS**, on April 23, 2024, the Florida Gaming Control Commission provided
38 information to the Board during a regularly scheduled public meeting about the portions of the
39 Florida Statutes that prohibit or regulate Electronic Game Room Facilities. Representatives from
40 the Lake County Sheriff's Office also addressed the Board regarding their concerns with Article
41 X, Chapter 3, Lake County Code; and
42

43 **WHEREAS**, on May 7, 2024, the Board adopted Ordinance 2024-11, which repealed
44 Article X, Chapter 3, Lake County Code, entitled *Electronic Game Room Facilities*; and
45
46

1 **WHEREAS**, the Board has determined that Section 3.01.03, Lake County Code, Appendix
2 E, Land Development Regulations, entitled *Schedule of Permitted and Conditional Uses*, should
3 be amended to remove Electronic Game Room Facilities as a permitted use and that a new section
4 of the Land Development Regulations should be created to clarify that no use prohibited by Florida
5 law will be permitted within the unincorporated boundaries of Lake County, Florida.
6

7 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
8 Lake County, Florida, as follows:
9

10 **Section 1. Legal Findings of Fact.** The foregoing recitals are hereby adopted as
11 legislative findings of the Board of County Commissioners and are ratified and confirmed as being
12 true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.
13

14 **Section 2. Amendment.** Section 3.01.03, Lake County Code, Appendix E, Land
15 Development Regulations, entitled *Schedule of Permitted and Conditional Uses*, shall be amended
16 to read as follows:
17

18 **Table 3.01.03 Schedule of Permitted and Conditional Uses.**
19

1

3.01.03 Schedule of Permitted and Conditional Uses.

Use Classifications	ZONING DISTRICTS																						CONDITION/ LDR SECTION
	A	RA	AR	R1	R2	R3	R4	R6	R7	R10	RP	RMRP ¹	RM	C1 ²	C2 ²	C3 ²	CP 6,7	LM	HM	MP 6,7	CFD ⁶	RV	
RESIDENTIAL USES																							
Single-Family Dwelling Unit	P	P	P	P	P	P	P	P	P		P	p ¹	P	p ²	p ²	p ²	P	P	P	P			Sec. 3.01.02.1.A.1
Bed & Breakfast Home	P	P	P	C	C	C	C	C			C												Sec. 3.12.03
Bed & Breakfast Inn	C	C	C	C							P			P	P	P	P						Sec. 3.12.02
Two-Family Dwelling Unit						P	P	P	P	P	P												Sec. 3.01.02.A.2
Multi-Family Dwelling Unit							P	P	P	P	C			P	P	P	P	p ⁸	p ⁸				Sec. 3.01.02.A.3
Recreational Vehicle Park																						P	Sec. 3.01.02.A.5
Mixed-Use Residential District														p ⁸	p ⁸	p ⁸		p ⁸	p ⁸				Sec. 3.01.02.G
AGRICULTURAL USES																							
General Agriculture	P																	p ³	p ³	p ³	P		Sec. 3.01.02.B.1
Non-Intensive Agricultural	P	P	P	P																	P		Sec. 3.01.02.B.2
Agricultural Housing/Camps	C	C																					Sec. 3.12.02.B.4
Chicken Farms	C																						
Egg Processing Facilities	C																						
Exotic Animals	C																						3.01.02.B.14
Family Gardens		P	P	P	P	P	P	P	P	P	P	P	P										Sec. 3.01.02.B.3
Greyhound Dog Farms	C																						Sec. 3.01.02.B.5
Hog Farms	C																						
Horse-Breeding Farms	P	P	P	P																			
Kennels	C														P		P	P	P	P			Sec. 3.01.02.B.6 & Chap. II, Definitions
Loft/Aviary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						
Mills	C																				P		Sec. 3.01.2.B.7
Mining and Quarrying	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 3.01.02.B.8

2024-__; Ordinance Amending Section 3.01.03 LDR; entitled *Schedule of Permitted and Conditional Uses* and creating Section 3.01.06, entitled *Prohibited Uses*

Retail, General														P	P	P	P			P		C	3.01.02.C.18
Self-Service Laundry														P	P		P						Sec. 3.01.02.C.19
Self-Service Storage															C		P	P	P	P			Sec. 3.01.02.C.20
Theaters															P		P					P	Sec. 3.01.02.C.21
Recreational Vehicles																						P	Sec. 3.01.02.C.21
Truck Yard	C																P	P	P	P			Sec. 3.01.02.C.22
Vehicular Sales															C	C	P	P	P	P			Sec. 3.01.02.C.23
Wholesale and Warehouse															P	P	P	P	P	P			Sec.3.01.02.C.24
INDUSTRIAL USES																							
Airport																				P	P	P	Sec. 4.01.00
Industrial, Light																			P	P	P		Sec. 3.01.02.D.1
Industrial, Heavy	C																			P, C	P, C		Sec. 3.01.02.D.2
Junkyard																P		P	P				Sec. 3.01.02.D.4
Recycling Center																			P	P	P	P	Sec. 3.01.02.D.3
Trucking Facilities																			P	P	P		
COMMUNITY FACILITY USES																							
Assisted Living Facility																						P	F.S. Ch. 400, Pt. III
Cemetery	C																					P	Sec. 3.01.02.E.1
College or University	C														P	P	P					P	Sec. 3.01.02.E.2
Church														P	P	P	P					P	Sec. 3.01.02.E.3
Comprehensive Transitional Education Facility																						P	Sec. 3.01.02.E.11
Community Residential Home															P	P						P	Sec. 3.01.02.E.4
Cultural Institution															P	P	P	P	P			P	Sec. 3.01.02.E.5
Day Care Center															P	P	P	P				P	Sec. 3.01.02.E.6
Dormitory																P	P	P				P	Sec. 3.01.02.E.7

1 Note 1. Only rental mobile home dwelling units are allowed in RMRP.

2 Note 2. Residences permitted with site plan approval when used in conjunction with business.

3 Note 3. Agricultural uses in these use classifications are limited to hay production.

4 Note 4. ~~Section 3-67, Article X Reserved.~~

5 Note 5. Active Recreation Uses as defined by the Comprehensive Plan permitted with site plan approval.

6 Note 6. Uses shown as "P" under the CP, MP, and CFD district are only permitted to the extent the use is
7 specifically identified in an approved zoning ordinance for a particular property.

8 Note 7. Uses shown as "P" under the CP and MP districts are only permitted to the extent they are
9 specifically identified, or specifically not excluded, in an approved zoning ordinance for a particular property.

10 Note 8. Multi-family uses are permitted in LM and HM districts, and Mixed-Use Residential uses are permitted
11 in C-1, C-2, C-3, LM and HM, only if the proposed Multi-family or Mixed-Use Residential developments comply
12 with the requirements of Section 125.01055(7)(a), Florida Statutes, and Section 11-40, Lake County Code.
13 Otherwise, Multi-family uses are not permitted in LM and HM districts, and Mixed-Use Residential is only
14 permitted as otherwise allowed under these regulations.

15
16 **Section 3. Creation.** Section 3.01.06, Lake County Code, Appendix E, Land
17 Development Regulations, to be entitled *Prohibited Uses*, is hereby created to read as follows:

18
19 **3.01.06 Prohibited uses.**

20
21 Nothing within these Land Development Regulations shall authorize any activity or use of
22 property that has been declared as prohibited or illegal under the laws of the State of Florida. No
23 development approvals, development orders, or development permits shall be issued for activities
24 or uses declared as prohibited or illegal under the laws of the State of Florida.
25

26
27 **Section 4. Severability.** If any section, sentence, clause, or phrase or word of this
28 Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by
29 any court of competent jurisdiction, then said holding shall in no way affect the validity of the
30 remaining portion of this Ordinance; and it shall be construed to have been the Commissioners’
31 intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and
32 the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held
33 to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions
34 thereof shall be held inapplicable to any person, groups of persons, property, kind of property,
35 circumstances or set of circumstances, such holding shall not affect the applicability thereof to any
36 other person, property or circumstances.

37
38 **Section 5. Inclusion in the Code.** It is the intent of the Board of County
39 Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake
40 County Code and that the sections of this Ordinance may be renumbered or relettered and the word
41 "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in
42 order to accomplish such intentions.
43

1 **Section 6. Filing with the Department of State.** The Clerk shall be and is
2 hereby directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for
3 the State of Florida in accordance with Section 125.66, Florida Statutes.

4
5 **Section 7. Effective Date.** This Ordinance shall become effective as provide for
6 by law.

7
8 ENACTED this _____ day of _____, 2024.

9
10 FILED with the Secretary of State _____, 2024.

11
12
13
14 ATTEST:

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

15
16
17 _____
18 Gary J. Cooney, Clerk of the
19 Board of County Commissioners
20 of Lake County, Florida

Kirby Smith, Chairman

This ____ day of _____, 2024.

21
22
23 Approved as to form and legality:

24
25
26
27 _____
28 Melanie Marsh, County Attorney
29