Sec. 25-292. - Supplemental district requirements.

The following supplemental requirements shall apply to all uses within this chapter. These standards and criteria are deemed necessary to provide for the health, safety, morals and general welfare of the citizens of Leesburg.

(1) Adult uses. The following provisions apply to adult uses:

a. No adult use shall be located within any zoning district other than M-1.

b. No adult use shall be allowed in the M-1 zoning district without a conditional use permit.

c. No adult use shall be located closer than one thousand five hundred (1,500) feet to either the boundary of any residential zoning district or to any other adult use or the following uses; park, school, church.

d. No portion of this chapter shall be construed as allowing, in any way whatsoever, any acts prohibited by F.S. Chapter 847.

(2) Accessory structures: minimum yard regulations.

a. Except as provided in this section, no unattached accessory or temporary structure in R-Districts shall project into the required front yard (in front of the principal structure) or encroach into easements, parking areas or other required areas. Cabanas, outdoor shelters, sheds, work shops and other enclosed and temporary structures may be constructed in a required rear yard. Accessory structures, which are not attached to a principal structure, may be erected in accordance with the following requirements:

1. An accessory building not exceeding twelve (12) feet in height may occupy not more than thirty (30) percent of a required rear yard.

2. An accessory building exceeding twelve (12) feet in height may be permitted where an additional two (2) feet of setback is provided for every additional foot of height above twelve (12) feet to a maximum of the height allowed in the district where located.

3. No accessory structure shall be located within five (5) feet of side or rear property lines.

4. No accessory structure shall be located closer to the street than the front yard setback required for a principal structure in the district in which such accessory structure may be located.

5. For corner lots, the setback from the side street shall be the same for accessory buildings as for principal buildings.

6. Vehicles, including manufactured housing and mobile homes, shall not be used as storage buildings, utility buildings, or other such uses.

b. When an accessory structure is within the principal building in R-Districts, it shall comply
in all respects with the yard requirements of this article applicable to the principal building.

c. Accessory structures in other than R-Districts shall comply with front and side yard requirements for the principal structure to which they are accessory and shall be not closer to any rear property line than ten (10) feet.

d. Tube and canvas structures shall be required to comply with accessory structure requirements with the additional following conditions: Structures located in residential zoning districts, shall not exceed two hundred (200) square feet in size.

(3) **Alcoholic beverages uses.**

a. Definition. All liquors, wines and beers containing more than three and two-tenths (3.2) percent of alcohol by weight, shall be deemed and held to be intoxicating beverages.

b. Beverages containing more than three and two-tenths (3.2) percent alcohol by weight; areas where sale shall be permitted.

1. In order to preserve the public peace and safety of the 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 development districts or industrial "M-1."

2. Hotels shall be excepted from the provisions of this section. The term "hotel" in construing this section shall mean any establishment generally accepted as a hotel, and having forty (40) rooms or more for accommodation of guests. Nationally organized fraternal orders or lodges shall be excepted from the provisions of this section.

3. Any licensed and established business for the sale of intoxicating liquors containing more than three and two-tenths (3.2) percent of alcohol by weight in the city which were licensed by the city on December 15, 1945, shall be excepted from the terms of this section.

c. Distance from church or school.

1. No person or commercial establishment required to maintain a vendor license classification of 4COP issued by the Florida Division of Alcoholic Beverage and Tobacco shall establish or operate within five hundred (500) feet a of child day care center, public park or playground, hospital, church or school, approved by the city, or any other governmental body with land use jurisdiction over the facility.

2. No establishment which sells or serves alcoholic beverages for consumption on the premises, which has or is required to have an occupational license to operate, shall be located or operate within five hundred (500) feet of a child day care center, public park or playground, hospital, church or school, approved by the city or any other governmental body with land use jurisdiction over the facility, or within five hundred (500) feet of any other establishment approved by the city or any other governmental body with land use jurisdiction over the facility, which sells or serves alcoholic beverages for consumption on the premises, or within three hundred (300) feet of any property zoned for residential uses.
3. The setbacks contained in this section shall not apply within the central business district as defined in section 25-4 of this Code, 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 non-alcoholic beverages, and which does not sell or serve alcoholic beverages after the hours for serving food have elapsed.

d. Refer to Chapter 5, Alcoholic Beverages, of the Code of Ordinances for additional information concerning events in the central business district.

(4) Animals and fowl etc. The keeping of domestic animals and fowl shall be limited to the RE-1 residential estate district as following:

a. Domestic fowl or other birds shall be limited to not more than ten (10) adult birds per acre if confined, up to a maximum total of twenty (20) adult birds.

b. Domestic hoofed mammals shall be limited to a maximum of one-confined animals per acre which shall be in addition to the minimum of one (1) acre required for the dwelling. Confined as used in this section, refers to an approved fence that provide limitation on the movements of the animal on the required land area and which shall secure the animal from entering adjacent properties. Pigs are prohibited with in the city.

c. Other domestic animals for the purposes of these regulations such as adult dogs, cat, birds etc. shall be limited in all districts as follows:

d. A maximum of five (5) adults shall be allowed per dwelling with adequate fencing or housing.

e. No farm animals or fowl such as cattle, hogs, sheep, goats, horses, rabbits, chickens, turkeys, ducks, and geese or any other animal or fowl not customarily considered a domestic household pet shall be kept or maintained on any lot in a residential district.

(5) Bulkhead, seawall, dock and similar requirements.

a. All bulkhead, seawalls or retaining walls in the location designed thereof are to be approved by the city after application has been made in writing to the planning and zoning manager.

b. No structures shall be built on or over water except docks and the regulation of said docks, piers, wharves, and mooring poles or piers of any nature shall be subject to all applicable regulations of the state and all city and county ordinances pertaining to same.

(6) Commercial, retail and/or service business two (2) or more on the same property.

a. Access to the businesses shall be from an arterial or collector road;

b. Access lanes shall not be through parking areas;

c. Each structure shall have a common integrated architectural character and design.

d. Loading areas shall be separate from parking areas and combined where possible.
e. Pedestrian circulation shall be separate from vehicle access lanes.

f. All edges of paved areas abutting landscaped areas shall be curbed.

g. Access to adjacent parcels shall be provided through cross access easements or frontage roads wherever feasible.

(7) Drive-thru establishments. Drive-thru establishments shall adhere to the following additional requirements:

a. Each queuing lane shall be clearly designed and marked so as not to conflict or interfere with internal circulation or ingress or egress from the site.

b. If a one-way traffic flow pattern is provided for the parking area, a twelve (12) foot wide bypass lane shall be provided.

c. Each queuing space shall be a minimum of nine (9) feet by eighteen (18) feet.

d. The minimum number of queuing spaces, including the vehicle being served, shall be provided as follows:

<table>
<thead>
<tr>
<th>USB</th>
<th>SPACES REQUIRED</th>
</tr>
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<tbody>
<tr>
<td>Financial Institution</td>
<td>4</td>
</tr>
<tr>
<td>Restaurant (before menu board)</td>
<td>4</td>
</tr>
<tr>
<td>Car Wash/Oil Change Facility</td>
<td>3</td>
</tr>
</tbody>
</table>

(8) Flex-industrial uses. The following limitations regarding flex-industrial buildings and uses shall apply at a minimum:

a. No building shall exceed two (2) stories in height.

b. All buildings shall have a minimum of one (1) loading bay.

c. All loading bays shall be located so that vehicles using such bays shall not be visible from public streets. All loading bays shall be screened from view by the building, landscaping, walls or decorative fencing. Except during the process of loading or unloading, trucks and trailers shall not be parked outside the building, unless parked in screened areas not visible from adjacent roads or properties.

d. At least fifty (50) percent of the total gross floor space in any building shall have a floor load capacity of at least one hundred twenty-five (125) pounds per square live foot load.

e. No more than forty-nine (49) percent of the gross floor space of each building shall be used for non-accessory office uses.

f. Office uses recognized as appropriate in flex-industrial/office buildings shall be associated with permitted and conditional uses and shall not include professional office uses with high-turnover or high intensity traffic, such as but not limited to corporate headquarters (unless associated with a permitted use), law offices, architectural offices, insurance offices, medical offices and health maintenance organizations.
g. No outdoor storage is permitted.

(9) **Home occupations.**

a. Home occupations shall be allowed in a bona fide dwelling unit, subject to the following requirements:

1. The use of the residence for a home occupation shall be clearly incidental and subordinate to its use as a residential structure by the occupants and shall under no circumstances change the residential character of the structure.

2. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.

3. No home occupation shall occupy more than thirty-five (35) percent of the total floor area of the dwelling unit.

4. No pedestrian or vehicular traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

5. No equipment, tools, or process shall be used in such a home occupation which creates interference with neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference.

6. Fabrication of articles commonly classified under the terms arts and handicrafts shall be deemed a home occupation provided no retail sales are made at the home.

7. Outdoor storage of materials shall not be permitted.

b. The following shall not be considered home occupations: beauty shops, barber shops, studio for group instruction, public dining facility or tea room, photographic studio, fortune telling or similar activity, outdoor repair, food processing, retail sales, nursery school or kindergarten.

c. The giving of individual instruction to one (1) person at a time, such as an art or music teacher, shall be deemed a home occupation.

d. A home occupation shall be subject to all applicable city/county occupational licensing requirements, fees, and other business taxes.

(10) **Parking of busses and semi-trailers.**

a. It shall be unlawful for any owner, agent, operator, or person in charge of any bus or semi-trailer, as defined by the State of Florida, to park, store, or keep such motor vehicle on any public street, avenue, alley, or other thoroughfare or any right-of-way therewith.

b. It shall be unlawful for any owner of property in any residential zoning district to park on, or cause to be parked on any street, alleys, or parkways abutting his property, or to allow to be parked on his residential property, any bus or semi-trailer, as defined by the State of Florida.

c. No recreational vehicles, trailers, buses, or other temporary vehicles or structures shall
be used for overnight residences.

(11) **Recreational vehicles.** The following regulations apply to the use, parking, storage and keeping of recreational vehicles in all zoning districts.

a. Recreational vehicles may be used for living, sleeping or housekeeping purposes only in mobile home parks and those districts permitting recreational vehicle parks, except that recreational vehicles may be used on a lot of record in a residential district in accordance with regulation of temporary manufactured homes. Development plan approval is required for any development of a recreational vehicle park.

b. Parking of recreational vehicles is permitted only for the purpose of storing the vehicles in all districts, except as provided in subsection (1) of this section. Such vehicle shall not:

1. Be used for the storage of goods, materials or equipment other than those items considered to be part of the vehicle essential for its immediate use.
2. Discharge or discard any litter, effluent, sewage or other matter into any public right-of-way or upon any private property while parked and provided in this section.
3. Be occupied or used for living, sleeping or housekeeping purposes; or;
4. Be stored on any vacant, unoccupied or unimproved lot.

c. No owner shall allow any recreational vehicle eighteen (18) feet or more in length to be parked on a public street longer than eight (8) hours in any twenty-four-hour period.

d. In all residential districts the following additional restrictions shall also apply to the parking, storing or keeping of recreational vehicles:

1. Parking is permitted inside any enclosed structure which complies with the dimensional requirements of the particular district.
2. Parking is permitted outside any structure in the side or rear yard, provided the vehicle is a minimum of two (2) feet from the lot line.
3. Parking is permitted outside any structure in the front yard, provided;
   i. If space is not available in the rear or side yard and no structure for storage is available or there is no access to either the side or rear yard.
   ii. The vehicle must be parked perpendicular to the front property line. No part of the vehicle may extend over a public sidewalk, bike path or street.

e. All mixed use, business, office and industrial districts storage of such vehicles shall comply with requirements for outdoor storage.

(12) **Swimming pools and/or screen enclosures.** No swimming pool shall be built, erected or maintained unless it is fully enclosed by a fence or wall four (4) feet in height or by a screen enclosure. Gates or doors for access to said pool shall be self closing and self latching. The ladder or access to an above ground pool shall be retracted or removed at all times the pool is not under the supervision of an adult or it shall be fenced in a similar manner to an in ground pool. All
building code requirements shall be met. An attached screened enclosure can be within five (5) feet of the rear property line.

(13) **Use of right-of-way.** In all districts right-of-way use shall be restricted as follows:

a. Display or storage of vehicles for sale or lease is prohibited.

b. Repair of vehicles or storage of vehicles for repair is prohibited.

c. Display or sale of merchandise is prohibited.

d. Driveway aprons shall be paved and culverts shall be required where necessary for drainage.

e. Nor shall any right-of-way shall be blocked, obstructed or used for any purpose without written approval of the city.

(14) **Watchman's or caretaker's quarters.** An attached single family dwelling unit, not to include recreational vehicles, mobile homes or manufactured housing, may be used as a watchman's or caretaker's quarters upon obtaining a conditional use permit for that purpose. In the P public district, a single-family dwelling unit, including recreational vehicles, mobile homes or manufactured housing, may be used as a watchman's or caretaker's residence upon obtaining a conditional use permit for that purpose, provided that one (1) of the two (2) following conditions is met:

Any mobile home, manufactured home or recreational vehicle used for that purpose must be parked at all times, while in use as caretaker's quarters, inside a fully enclosed structure, and the lot or parcel on which such mobile home, manufactured home or recreational vehicle is used for this purpose must have a fully approved on-site dumping station for the proper disposal of wastewater; or a mobile home or manufactured home, but not a recreational vehicle, may be used for such purposes under a conditional use permit if the parcel is not less than ten (10) acres in size, is occupied not less than five (5) nights per week by a bona fide watchman or caretaker, and is served by municipal sewer service. No more than one (1) conditional use permit for a watchman's or caretaker's quarters shall be issued for any one (1) lot or parcel of property. In any district, a single-family dwelling unit used as a watchman's or caretaker's quarters shall have a living area of at least five hundred (500) square feet and not more than seven hundred fifty (750) square feet, plus an additional three hundred (300) square feet which may consist of attached screen room, garages, carports or utility areas. These square footage restrictions shall not apply to mobile homes, manufactured houses or recreational vehicles in the P public district, however those may also have up to three hundred (300) square feet of attached screen room, garages, carports or utility areas, in addition to the mobile home, manufactured house or recreational vehicle itself. Watchman's or caretaker's quarters may be occupied only by the business owner and his or her immediate family, a superintendent and his or her immediate family, or by a caretaker, watchman or custodian and their immediate family. These units may be used only in conjunction with the operation of a business on the property in the commercial or industrial districts and in those districts, shall be an integral part of the principal business structure and located behind or above that portion of the business structure devoted to service to the public.
(15) **Historic property additional uses.** In order to enhance and protect historic properties within the City of Leesburg, permitted uses in addition to those allowed in the district where the historic property is located shall be permitted if approved as a conditional use as follows:

a. The proposed use of an existing historic structure shall be compatible with adjacent properties and the surrounding district. In consideration of the conditional use, the proposed use shall be restricted to limit the intensity of the use on surrounding property and to maintain the historic character of the neighborhood.

b. The site shall be presumed to be historic if it meets one (1) of the following criteria:

   1. The property is listed on the National Register of Historic Places;
   2. The property is within an approved historic district of the city, state or federal government;
   3. The property has been identified and designated by the city, following a professionally conducted survey or study, to be of local historic importance (whether or not it is to be submitted for inclusion of the Florida Master Site File or for consideration for the National Register of Historic Places).

(16) **Outdoor storage areas except industrial.** Such uses shall not be located within fifty (50) feet from the nearest residential district and the operation thereof shall be governed by the following provisions and any other conditions as may be required to protect the public health, safety, comfort, convenience and general welfare, and especially with regard to abutting properties and the occupants thereof.

a. Inflammable and explosive liquids. No highly inflammable or explosive liquids, solids or gasses shall be stored in bulk above ground. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this provision.

b. Fencing and setbacks. All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent property or a public street. Such walls and fences can be placed within the property line except such fences or walls must be a minimum of twenty-five (25) feet from the property line bordering a public street.

c. Deposit of wastes. No materials or wastes shall be disposed of on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.

d. Other hazardous materials. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

e. Portable storage facilities for outdoor storage. The use of portable storage facilities, such as trailers, piggy-back storage bins, and the like, for outdoor storage for a period in excess of two (2) weeks in any consecutive six-month period is prohibited. The two-week period shall be computed by adding the total periods of all such portable storage facilities for any six (6) consecutive months. Storage at a construction sites shall be exempt from this subsection.
Portable storage facilities in use on the date this subsection amendment is enacted shall have a six-month period following its enactment within which to remove such facilities.

(17) Subdivision model homes, sales trailers, and sales offices. Model homes, subdivision sales offices, trailers, and subdivision model home complexes shall comply with the following regulations:

a. Limitation on office use. The sales office shall be used only for selling new, previously unoccupied homes located within the subdivision where the office has been established.

b. Parking. Temporary parking facilities shall be required to have a stabilized surface for parking and may use mulch etc. if approved by the environmental services department. However, required handicap spaces and the drive aisle shall be constructed of concrete or asphalt and striped in compliance with city standards. A parking lot may not be required for subdivision sales trailer if adequate on-street parking exists as determined by the community development director. The trailer may not be located on a collector or arterial streets.

c. Conversion. All installations related to the sales activity (e.g., display partitions, canopies, walls, etc.) shall be removed and any room used for sales activity shall be converted to the approved residential use prior to residential occupancy. Temporary parking facilities installed to serve any model home or sales office shall be removed within 60 days after conclusion of sales activities.

d. Design. As an administrative approval item, design standards for model home complexes may be established by the community development director. All temporary sales trailers shall comply with section 25-290, Temporary uses.

(18) Vending private property. The city commission expressly finds that the vending of produce and prepared or prepackaged foods, goods, wares, and/or services on private property may pose unsafe conditions and special dangers to the public health, safety, and welfare of the residents of the City of Leesburg. It is the purpose and intent of the city commission, in enacting these requirements, to provide those persons who engage in those types of vending operations with clear and concise regulations to prevent safety, traffic, and health hazards, as well as to preserve the peace, safety, and welfare of the community.

a. Definitions.

1. "Business owner" means any person, firm, or corporation, which owns or controls any interest in any business engaged in vending as defined in subsection 8. of this section.

2. "Commissary" means a food establishment in which food, containers, equipment, or supplies are stored or handled for use in a motorized food wagon or conveyance.

3. "Conveyance," as used in this chapter, means any vehicle approved for the referenced use (except motorized food wagons, as defined below), trailer, cart, or wagon, with wheels, which may be moved from one place to another under its own power or by other means.

4. "Linear frontage" is the method used to determine distances as used in this chapter.
5. "Mobile food vendor" means any person as defined in this chapter, who owns, controls, manages, and/or leases a motorized food wagon or conveyance; and/or contracts with a person(s) to drive, operate, prepare foods, and/or vend from a motorized food wagon or conveyance.

6. "Motorized food wagon" means any vehicle as defined in F.S. § 324.021(1), which is equipped and used for retail sales of prepared, pre-packaged, or unpackaged food or foodstuffs of any kind on property within the City of Leesburg.

7. "Persons" means any person, firm, partnership, association, or corporation, and includes, but is not limited to, owners, operators, drivers, lessors, and lessees of motorized food wagons and conveyances.

8. "Vend" or "vending" means the sale of any goods, wares, merchandise, prepared, pre-packaged, or unpackaged food or foodstuffs of any kind from private property. Vending from an approved motorized food wagon generally has the following characteristics:
   i. Food is ordered and served from a take-out counter that is integral to the motorized food wagon and there is typically a space for customer queuing;
   ii. Food is paid for prior to consumption;
   iii. Food and beverages are served in disposable wrappers, plates, or containers; and
   iv. Food and beverages are prepared and sold for off-site consumption.

9. "Vendor"/"operator" means any person who sells and makes immediate delivery, or offers for sale and immediate delivery, any goods, wares, or merchandise, or drives, operates, vends, and/or prepares food on or from an approved motorized food wagon or conveyance.

b. Regulation of sales.

1. It is unlawful for any person to vend, or attempt to engage in vending or operate any vehicle or conduct any business for the purpose of vending from any vehicle, motorized food wagon, or conveyance parked, stopped, or standing upon any private property within the City of Leesburg except in accordance with all applicable provisions of this Code.

2. The sale or distribution of alcoholic beverages is prohibited.

c. Permit to operate. A person desiring to engage in a vendor operation, as defined by this chapter, shall submit a written application for a permit to operate in a form acceptable to and with all supporting information required by the City of Leesburg. Such application shall be accompanied by a nonrefundable, nontransferable application fee in an amount as may be established by resolution of the city commission. Any such permit shall be required to be renewed annually and a separate nonrefundable, nontransferable application fee shall be paid annually for such renewal application. Vendors must have the permit in their possession when vending. There must be a valid permit present whenever vending is taking place.
1. Every vendor shall obtain a City of Leesburg business tax receipt.

2. As part of the permit to operate application, the vendor or business owner shall provide the following:

   1) Proof of current vehicle registration and a copy of an applicable vehicle insurance policy for any vehicles used in the vending activity;

   2) The vehicle to be used for the vending meets fire safety requirements of code for cooking etc.;

   3) Approval by the city of the design of the vehicle to be used for the vending in order to assure fire safety requirements of codes;

   4) Four (4) photographs (showing different exterior views) of each motorized food wagon or conveyance, complete with any awnings or shade structures in the open position;

   5) A copy of a current county and state permit for any food service vending operation as required;

   6) A copy of the vendor or business owner's current business tax receipt;

   7) Vendor's must show proof of a current payment to a commissary as required as per the Florida Division of Hotels and Restaurants;

   8) An affidavit in a form approved by the city from the property owner (if other than self) permitting the vendor to locate on the site;

   9) A site plan, drawn to scale and with dimensions, indicating the location of all existing buildings, structures, sidewalks, driveways, parking spaces, traffic controls, and improvements, and the location or areas where the proposed vending activity, structures, and improvements related to the vending activity will be located upon the site; and

   10) An affidavit from the business or location providing the required restroom facilities for food service workers, stating the hours that those facilities are being made available to the mobile food vendor.

3. The following may constitute grounds for denial of a permit to operate:

   1) The vending operation or activity as proposed by the applicant does not comply with all applicable laws including, but not limited to, the applicable building, zoning, housing, fire, safety, and health regulations under state law and this Code.

   2) The applicant has, within three (3) years immediately preceding the date of filing of the application, had a permit to operate, vendor's license, or related permit, which was issued within the state of Florida, suspended or revoked.

   3) The applicant has knowingly made a material misstatement in the application for a permit to operate.
4) There have been excessive calls for service to the Leesburg Police Department within the twelve (12) months preceding the application with inadequate response by the vendor or business owners or operators, involving the commission of crimes, disturbances, public nuisances, or applicable city ordinance violation investigations, which are located, committed, or generated on the premises of the vending operation.

5) Failure to obtain clearance from county and state permit for any food service vending operation as required.

4. The applicant may appeal the decision to deny the permit to the board of appeals within thirty (30) days of denial.

d. Location. A vendor may locate on private property subject to the following conditions:

1. Sales shall be allowed on any developed lot adjacent to collector or arterial street located in an office, commercial or industrial zoning district that is outside of the central business district and the historic district.

2. The vendor shall be setback within the rear ten (10) feet of the required fifty-foot front setback or the existing front setback established by the principal use on the site, whichever is greater.

3. The vendor shall be prohibited from selling or distributing any type of glass container.

4. Signs shall not exceed a maximum ten (10) square feet for all total signs used in conjunction with the vending operation electronic message center signs shall be prohibited where visible from a public roadway.

5. The vendor shall provide a sworn statement from the property owner and the vendor on a form provided by the city indicating that the vendor has permission to vend on that site, along with the following:

   a) The property owner shall be required to allow the vendor's patrons access to all bathroom facilities.

   b) The property owner shall state that the vendor shall meet all local, state, and federal regulations, ordinance, statutes and laws in regards to their specific business.

   c) The property owner shall state that they understand the regulations governing vendors and will be held responsible, along with the vendor, for any code violations.

6. Only one (1) vendor shall be allowed on any individual zoning lot.

7. The vending is incidental to a primary retail use of the property which must have a valid City of Leesburg business tax receipt for retail sales.

8. A vendor shall not be the primary use of a parcel unless that parcel is developed in accordance with the standards of the city’s land development code for that use and the
zoning designation for that parcel.

9. A vendor shall not be permitted as an accessory use to a stand-alone parking lot.

10. A vendor cannot utilize, or be located on, parking spaces required for the primary use at that property.

11. A vendor cannot be located on a vacant, undeveloped parcel or lot.

12. A vendor must be located on a paved concrete or asphalt parking surface.

13. A vendor cannot interfere with access, aisles, circulation, driveways, or fire lanes and hydrants.

14. A vendor cannot interfere with pedestrian movement or create a pedestrian hazard.

15. All waste and/or refuse shall be removed from the vendor area and placed in an appropriate, legally designated receptacle for the private property on a daily basis for the duration of the sales period.

e. **Exemptions.** The following are exemptions from the requirements of this ordinance:

1. Any person engaged in vending conducted in connection with the operations of a state-certified open-air market or an authorized street fair or event under a special event permit, (wherein such vending is authorized), lease, license, agreement, or other written authorizations issued by the City of Leesburg.

2. Any person delivering any goods by vehicle where such goods have been ordered in advance for such delivery from any business located at a permanent location and which goods are being delivered from such location to the customer by vehicle, regardless of the point of sale.

f. **Conditional appearance of site.**

1. The site shall be maintained in a safe and clean manner at all times.

2. No tables, chairs, fences, free standing shade structures except as provided in subsection g.8. below, or other site furniture, (permanent or otherwise) or freestanding signs shall be permitted in conjunction with the vendor.

3. Should any other site improvements be needed for on-going vending operations, the vendor shall be required to apply for appropriate permits to ensure public safety and consistency with applicable building and zoning regulations.

4. Exterior storage or display of refuse, equipment, materials, goods, wares, or merchandise associated with the vendor is prohibited.

g. **Conditional appearance of motorized food wagon and conveyance.**

1. The vendor shall display, in plain view and at all times, current permits and licenses in or on their vehicle.
2. The required motorized food wagon or conveyance used in the course of vending, where possible, shall be entirely self-sufficient in regards to gas, water, and telecommunications. Should any utility hook-ups or connections to on-site utilities be required, the vendor shall be required to apply for appropriate permits to ensure building and public safety and consistency with applicable building and zoning regulations.

3. The vendor shall not discharge items from any motorized food wagon or conveyance vehicle onto the sidewalk, gutter, storm inlets, or streets.

4. Any shade covering (awning) shall not exceed the size of the cart by more than three (3) feet and shall be required to be attached to the cart.

5. Concealment of the trailer hitch is required for safety and appearance.

6. If exterior lights are incorporated on the cart, the light source must be steady (no flashing lights) or electronic changeable copy and they must be concealed.

7. Maximum cart size: $W = \text{ten (10) feet} \times H = \text{eight (8) feet} \times L = \text{twenty (20) feet}$.

8. Any umbrella with seating shall not exceed the size of the cart and shall be limited to one (1) on site which must be within five (5) feet of the cart.

i. **Lighting.** The vendor shall install adequate lighting to ensure customer safety. Lighting shall be directed downwards and away from public streets and adjacent properties.

j. **Sanitation.**

1. All motorized food wagons or conveyances shall operate out of a commissary pursuant to county and state health and safety codes.

2. All motorized food wagons or conveyances shall be equipped with refuse containers large enough to contain all refuse generated by the operation of such a vehicle, and the vendor of the motorized food wagon or conveyance shall pick up all refuse generated by such operation within a twenty-five-foot radius of the vehicle daily. No vendor shall dispose of any trash or refuse in any such public or private trash receptacle other than a trash receptacle owned, operated, or otherwise provided by and under the control of such vendor.

3. A motorized food wagon or conveyance shall comply with county and state health and safety code regarding the availability of adequate toilet facilities for use by food service personnel.

k. **Safety and security.**
1. No vending shall be permitted except after the motorized food wagon or conveyance has been brought to a complete stop and parked in accordance with the requirements of subsection d., Location, of this section.

2. The vendor shall install signage in a visible location indicating that loitering is not permitted and customers may only remain on the lot for up to fifteen (15) minutes after receiving their food.

3. The vendor shall enforce the no loitering provisions of this Code.

I. **Applicability of regulations to existing business.** The provisions of this chapter shall be applicable to all persons and businesses described herein whether the herein described activities were established before or after the effective date of the ordinance enacting this chapter into law.

m. **Penalties.** Any person violating any provisions or failing to comply with any of the mandatory requirements of this chapter is subject to the following penalties:

   1. **Fines.** Violations are subject to the administrative enforcement provisions of this Code and the fines established in this section of this Code.
   
   2. **Suspension/revocation of permit to operate.**

      i. **Procedure.** In the event of a violation of the regulations of this chapter, the city manager or his/her designee shall issue a notice of intent to suspend or revoke the permit to operate. The vendor shall have the right to request a hearing, as provided by code, within ten (10) days of service of the notice of intent. If no hearing is requested, the permit to operate shall be revoked or suspended upon the expiration of the appeal period set forth in [this] Code.

      ii. **Basis for suspension/revocation of permit to operate.** Any permit to operate may be suspended and/or revoked by the city manager or his/her designee after a review, where it is determined that:

         a) The vendor has violated the provisions of this chapter; or

         b) The vendor has committed any act or engaged in action, which would constitute grounds for denial of a permit to operate pursuant to this chapter; or

         c) The vendor has engaged in fraud, misrepresentation, or false statements in applying for a permit under this ordinance or in conducting the vending operation or activity; or

         d) The vendor has failed to correct a violation under this chapter within the time period ordered by the city; or

         e) The vendor has operated or continued to operate without a permit to operate or after a permit to operate has been suspended or revoked.

n. **Enforcement.** The provisions of this chapter may be enforced by any police or code enforcement officer, or the city manager or his/her designee.
Residential garages. All new single family detached dwellings constructed after the effective date of this section in all zoning districts shall require a garage of at least two hundred forty (240) square feet with minimum design dimensions of twelve (12) feet × eighteen (18) feet for automobile parking. All garages shall be equipped with an operational overhead door with minimum dimensions of eight (8) feet × seven (7) feet, which door, when closed, conceals the interior of the garage. Should any property owner enclose or reduce the size of any existing garage or carport below the square footage requirements of this section, the owner shall be required to construct a new garage on the property sufficient to meet the square footage requirements of this section. However, historic dwellings listed in the city's historic surveys or in the historic district may be allowed to replace existing carports with a carport meeting the requirements of this section if approved by the historic preservation board as necessary to maintain the historic character of the dwelling. New carports and garages shall be designed to be architecturally similar and compatible to the principal residence.

Residential storage. All new single family detached dwellings constructed after the effective date of this section in all zoning districts shall require an enclosed storage area of eighty (80) square feet as part of the dwelling or as a separate storage unit in the rear or side yard of the property. The minimum design dimensions of storage within the dwelling unit shall be three (3) feet × ten (10) feet. The minimum design dimensions of storage areas outside of or detached from the dwelling unit shall be six (6) feet × ten (10) feet. Storage areas requirements shall not include any area used for heating and air-conditioning equipment, washers and dryer etc., in meeting the minimum requirements. New detached storage units shall be designed to be architecturally similar and compatible to the principal residence.

Indoor recreation-Internet/sweepstakes redemption cafés. The following provisions apply to this use:

a. Only adults eighteen (18) years of age or older shall be permitted within buildings where this use is permitted.

b. Internet/sweepstakes redemption café uses shall only be allowed by conditional use permit in the C-3 Highway Commercial, and M-1 Industrial zoning districts, and in the SPUD and PUD districts.

c. Internet/sweepstakes redemption café uses shall be located no closer than five hundred (500) feet to either the boundary of any residential zoning district, or to any other internet/sweepstakes redemption café use, or to the following uses; park, school, church, or child day care.

d. Hours of operation shall be restricted to 7:00 a.m. through 11:00 p.m., Monday through Saturday.

e. The sale or consumption of alcohol on the premises shall be prohibited.

f. On site parking shall be provided at a ratio of one (1) space per seventy-five (75) square feet of gross leasable area.

g. No food shall be prepared on site, however, vending machines and prepackaged snacks shall be permitted.

h. Internet/sweepstakes redemption café uses shall comply with F.S. § 849.094 Game
promotion in connection with sale of consumer products or services.

i. Permittee shall provide the city within ninety (90) days of issuance of a permit a copy of their approval/permit for the internet/sweepstakes redemption café use from the Florida Department of Agriculture and Consumer Services or the permit will be suspended. The permittee may request a hearing at the next regularly scheduled planning commission meeting to request reinstatement of the permit, however the decision whether to reinstate this permit shall lie within the discretion of the planning commission and reinstatement shall not be a matter of right.

j. Internet cafés without sweepstakes redemptions, video arcades, wifi cafés etc. shall not be considered internet/sweepstakes redemption café uses.

(Ord. No. 04-27, § V(4.22), 5-10-04; Ord. No. 08-62, § I, 7-14-08; Ord. No. 09-02, § I, 1-26-09; Ord. No. 09-49, § I, 9-14-09; Ord. No. 10-17, § I, 2-8-10; Ord. No. 10-18, § I, 2-8-10; Ord. No. 10-40, § I, 5-10-10)