ORDINANCE NUMBER ORD.03-37

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO TEMPORARY USES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA that:

Section 1. Section 10-1112, of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-1112. Temporary uses.

(a) *Particular temporary uses permitted.* The following are temporary, nonpermanent uses which may be permitted by the County Administrator or designee and are subject to the following specific regulations and standards, in addition to the other requirements specified in this article. The provisions of this Section are not intended to limit permanent uses not otherwise limited.

(1) *Carnival, ~~or~~ circus, festival, concert or outdoor event with more than 500 persons However, the County Administrator or designee may require a temporary use permit for such activities anticipated to have less than 500 attendees based on its anticipated impact on the public health, safety, and welfare of the residents of the County.*

a. Permitted in any district except for the ~~Rural and~~ Residential Preservation districts.
b. Maximum length of permit shall be 15 days.
c. No structure or equipment within 500 feet of any residential property line.
d. Permitted by the County Administrator or designee after a review for structural soundness and safety.

(2) *Religious tent meeting.*

a. Permitted in any district, except for the ~~Rural and~~ Residential Preservation districts.
b. Maximum length of permit shall be 30 days.
c. No structure or equipment within 500 feet of any residential property line.

d. Permitted by the County Administrator or designee after a review for structural soundness and safety.

~~(3) *Portable classroom facilities.*~~

~~a. Pursuant to F.S. § 235.193, the school board shall submit and the Board of County Commissioners may approve, as temporary uses, portable classroom facilities. The maximum length of the permit shall be 12 months.~~

~~b. The application for the temporary use shall be reviewed for adequacy as it relates to environmental concerns, health, safety, and welfare, off-site impacts and effects on adjacent property. The County Administrator or designee shall render a decision within 45 days; if no determination if made within 45 days, it shall be considered an approval of the application — (F.S. § 235.193(6)).~~

~~c. If the determination is negative, the school board may within 45 days resubmit revised documents. The County Administrator or designee then has 45 days within which to approve the application.~~

(~~4~~ 3) *Off-site construction staging areas.*

a. Temporary off-site construction staging area shall not be permitted in the Residential Preservation, R-1, R-2, R-3, R-4, R-5, or MH zoning districts. A temporary off-site construction staging area proposed adjacent to the Residential Preservation, R-1, R-2, R-3, R-4, R-5 or MH zoning districts shall provide an opaque buffer fence between the boundary of the proposed site and the adjacent residentially zoned property.

b. The applicant for a temporary off-site construction staging area permit shall provide the County with a notarized affidavit from the entity contracting the applicant's construction services indicating the location of the construction project, the scope of the work to be completed by the contractor, and the anticipated time required to complete the construction consistent with an approved construction contract.

c. The applicant shall provide the County a site plan of the proposed site which identifies adjacent land uses, on-site environmental features consistent with the provisions of Section 10-346, existing topography, the location of any required landscaping required pursuant to Section 10-1112(a)(4)a., the location of any proposed temporary structures including septic tank if required, the location of access to the site from a public right-of-way, location of parking, location and type of lighting, and other items as may be appropriate to a specific site. Furthermore, based on the presence of on-site environmental features, the county administrator or designee may require the applicant to complete the appropriate Environmental Management Act permitting process.

d. In granting a temporary off-site construction area permit, the County shall require the posting of a security or performance bond, in an amount to be determined by the county, not to exceed the cost of returning the site to preconstruction condition prior to expiration of the permit as required by subsection f. below.

e. A permit for a temporary off-site construction staging area shall be valid for a period not to exceed 24 months. The applicant may request an extension to the original permit based on the anticipated length of the proposed construction project consistent with the provisions of Section 10-1112(a)(4)b. All other requests for an extension to a previously issued and unexpired temporary off-site construction staging area permit shall be considered on a case- by- case basis and in consideration of the circumstances unique to each request.

f. Prior to the expiration of the temporary permit the applicant shall return the site to the predevelopment condition. This shall include, but shall not be limited to, the removal of all structures including closure of the septic system consistent with the guidelines provided by the County Environmental Health Department if applicable, and certification from a licensed professional in the State of Florida that the post development topography on-site is consistent with the predevelopment condition as identified in the site plan pursuant to section 10-1112(a)(4)c. Failure by the applicant to return the site to the predevelopment condition consistent with the provisions of this section shall constitute a violation of this section, and shall be referred to the County's Code Enforcement Board.

(b) *Additional regulations.* A use will be considered temporary if the duration of the use is less than six (6) months, except as otherwise provided in this Section. A carnival or circus, religious tent meeting, tent theater, festival, concert or outdoor event with more than 500 persons and other temporary events of public interest shall be subject to the following;

(1) Documentation must be provided from the County Health Department that adequate arrangement for temporary sanitary facilities has been ensured.

(2) No permanent or temporary lighting shall be installed without an electrical permit and inspection.

(3) All uses shall be confined to those dates specified in the permit.

(4) Hours of operation shall be confined to those specified in the permit.

(5) The site shall be cleared of all debris at the end of the special event and cleared of all temporary structures within ~~30~~ 15 days after the closing event.

(6) Public parking for the exclusive use of the facility shall be provided. It shall be the responsibility of the applicant to make arrangements to guide traffic to these areas and to prevent patrons from parking unlawfully.

(7) Maximum number of permits issued for a specific parcel or parcels limited to four (4) per year.

(8) No activity involving the use of any means of sound amplification within 1000 feet of a residence shall be permitted.

(9) The applicant shall provide a plan for adequate fire protection as approved by the Tallahassee Fire Prevention Office.

(10) The applicant shall provide a plan for adequate law enforcement as approved by the Sheriff's Office, which plan may include assignment of law enforcement officers as deemed necessary, with the applicant bearing the costs of such officers.

(11) The Tallahassee Fire Prevention Office and the Leon County Sheriff's Office shall evaluate each request for a temporary use permit and make recommendations to the County Administrator or designee prior to the issuance of the permit.

(12) The applicant shall certify that the County is held harmless for any liability associated with the temporary use or activity as a part of the temporary use permit application.

(13) Any temporary permit issued pursuant to the provisions of this section shall be revoked by the County Administrator or designee and the event closed by the Sheriff's Office immediately upon discovery that the applicant is in violation of the permit or any condition of permit approval.

(14) If any temporary permit issued pursuant to the provisions of this section is revoked, the County Administrator or designee may use that violation as grounds for denial of future permits to an applicant.

Section 2. **Conflicts.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan or the Florida Building Code as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan and the Florida Building Code.

Section 3. **Severability.** If any word, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall

be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. **Effective Date.** This Ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY THE Board of County Commissioner of Leon County, Florida this 9th day of Dec., 2003.

LEON COUNTY, FLORIDA

BY: Jane G. Sauls
JANE G. SAULS, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTESTED BY:
BOB INZER, CLERK OF THE COURT

BY: _____
CLERK

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

BY: _____
HERBERT W. A. THIELE, ESQ.
COUNTY ATTORNEY