

TOWN COMMISSION MEETING AGENDA ITEM TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

Ordinance 2019-10 (First Reading) — An ordinance of the Town of Lady Lake, Lake County, Florida; providing for a text amendment to The Town of Lady Lake Land Development Regulations (Ordinance No. 94-08) Chapter 5, Section 5-4, “Zoning District Uses”; amending the minimum setback requirements to 50 feet for accessory structures and uses incidental to agricultural activities; providing for severability; providing for codification; and providing an effective date.

AGENDA ITEM ID

2019146

DEPARTMENT

Growth Management

STAFF RECOMMENDED MOTION

Staff recommends approval of the first reading of Ordinance 2019-10 as presented.

SUMMARY

In mid-June, Town staff received an inquiry from a property owner who wished to construct a pole barn on approximately seven acres of property in the Town of Lady Lake. Although the property is zoned RS-6, residential single-family up to six dwelling units per acre, the size of the property is more than five acres; therefore, agricultural uses are permitted on the property. Agricultural uses are also allowed in other zoning designations provided that the land area is equal or greater than five acres.

The subject property in this instance, however, had a width of approximately 240 feet. Further in the description for the use of agriculture in the residential zoning districts of the Land Development Regulations, it currently states that, “Accessory structures and uses incidental to agricultural activity shall maintain a setback of 200 feet from any lot line”. Upon contacting the property owner to make them aware that they would not be able to construct the pole barn, the property owner seemed frustrated that he could not build the structure despite the fact he had seven acres of property.

Following that conversation, Town staff reached out to Lake County to see how they were enforcing setback requirements for agricultural structures. Their code reads as follows under the County’s Zoning District Regulations:

1. Keeping of livestock for general agriculture and non-intensive agriculture. These uses shall only be permitted as shown in Table 3.01.03 — schedule of permitted and conditional uses, and shall adhere to the following setbacks:

a. A livestock building should maintain a 200 foot setback from the property line. In the event that a livestock building cannot be constructed because of the 200 foot setback, then the livestock building shall be as closely centered as possible between the property lines and shall maintain a 50 foot setback from the property line.

b. If the lot width or length is equal to or less than 150 feet, then the livestock building shall be as closely centered as possible between the property lines and shall maintain a 50-foot setback from the property line.

Given that Lake County unincorporated areas are more prone to have agricultural uses and properties than an incorporated suburban or urban area, staff felt that if the setback was sufficient at a minimum of 50 feet for Lake County, the Town should amend its code to more closely mirror that of Lake County. The following language is being proposed to be added to amend the language of the Town of Lady Lake's Land Development Regulations at this time:

In the event that a structure cannot be constructed because of the 200 foot setback, then the structure shall be as closely centered as possible between the property lines and shall maintain a minimum 50-foot setback from the property line.

In the event that a property owner can meet the 200-foot setback, it would still be enforceable; however, if they cannot, the proposed amendment would not prohibit them from constructing an agricultural building, provided they remain 50 feet away from any property line.

All proposed changes to Section 5-4, "Zoning District Uses", for the consideration of the Town Commission are provided within Exhibit "A" of the attached draft Ordinance 2019-10.

FISCAL IMPACT

Not applicable.

FUNDING ACCOUNT

Not applicable.

PAST ACTIONS

The Technical Review Committee (TRC) members individually reviewed Ordinance 2019-10 and determined it to be complete and ready for transmittal to the Planning and Zoning Board.

At the July 8, 2019 meeting, the Planning and Zoning Board voted 5 to 0 to forward Ordinance 2019-10 to the Town Commission with the recommendation of approval.

PUBLIC HEARINGS

The Town Commission is scheduled to consider Ordinance 2019-10 for second and final reading on Monday, August 19, 2019, at 6 p.m.

WT/nvs