

PLANNING AND ZONING BOARD AGENDA ITEM TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

Ordinance 2019-16 — 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 and Providing an Exemption for Accessory Structures Incidental to Agricultural Activities; Providing for Severability; Providing for Codification; and Providing an Effective Date.

AGENDA ITEM ID

2019182

DEPARTMENT

Growth Management

STAFF RECOMMENDED MOTIONS

1. Motion to forward Ordinance 2019-16 to the Town Commission with the recommendation of approval.
2. Motion to forward Ordinance 2019-16 to the Town Commission with the recommendation of denial.

Staff is in support of motion number one.

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.

On Monday, August 5, 2019, Town staff brought forth Ordinance 2019-10, proposing to change the minimum setback of accessory structures for agricultural uses to 50 feet from the property line. The current code requirement for the setback is 200 feet. A presentation was delivered to the Town Commission as to why staff felt as though the text amendment should be made and informed the Town Commission of Lake County’s requirements with respect to

agricultural setbacks as well. Upon completion of the presentation, the ordinance failed to advance because of the lack of a motion by the Town Commission.

Following the meeting, staff consulted with Town Attorney Derek Schroth to determine what is enforceable as far as permitting and imposing setbacks for buildings and accessory structures for properties having a current agricultural exemption, and bona fide agricultural uses established on the property.

After researching the issue, it was the opinion of the Town Attorney that, "... the plain language of revised Section 604.50(1), Florida Statutes, exempts buildings constructed solely for agricultural purposes on property with an agricultural tax exemption such as the pole barn at issue". Chapter 5, Section 4, has been amended across multiple zoning designations as follows to comply with Florida Statutes:

B) Accessory structures and uses incidental to agricultural activity provided structures for keeping and raising of livestock shall [begin delete] not be located within 200 feet of a property zoned residential or 100 feet of any lot line.[end delete] [begin add] be exempt from the requirement of a building permit and any building setback requirements in accordance with Chapter 604.50 of the Florida Statutes, provided an agricultural operation has been established as per the definitions and criteria of the same chapter. [end add]

All proposed changes to Section 5-4, "Zoning District Uses", for the consideration of the Planning and Zoning Board are provided within Exhibit "A" of the attached draft Ordinance 2019-16.

FISCAL IMPACT

Not applicable.

FUNDING ACCOUNT

Not applicable.

PAST ACTIONS

The Technical Review Committee (TRC) members individually reviewed Ordinance 2019-16 and determined it to be complete and ready for transmittal to the Planning and Zoning Board.

PUBLIC HEARINGS

The Town Commission is scheduled to consider Ordinance 2019-16 for first reading on Monday, October 7, 2019, and for second and final reading on Monday, October 21, 2019 at 6 p.m.