

# **TOWN COMMISSION MEETING AGENDA ITEM TOWN OF LADY LAKE, FLORIDA**

## **AGENDA ITEM TITLE**

Ordinance 2019-16 (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 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**

2019205

## **DEPARTMENT**

Growth Management

## **STAFF RECOMMENDED MOTION**

Staff recommends approval of the first reading of Ordinance 2019-16 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 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. Staff delivered a presentation 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 due to 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 Town Commission are provided within Exhibit "A" of the attached draft Ordinance 2019-16.

At the September 18, 2019 Special Meeting of the Town Commission, it was the consensus of the Commission to table the item in an effort to research whether or not the Town could regulate accessory uses and structures if agriculture were removed as a permitted use in any zoning designation. Since the time of the meeting, Town staff has determined that twenty-two properties within the Town have an agricultural exemption on non-agriculturally zoned land. Further discussion regarding the pros and cons of eliminating the agricultural use in non-agricultural zoning designations, as well as the legal implications as researched by Town Attorney Derek Schroth, will occur at the at the meeting on Monday, October 7, 2019.

**FISCAL IMPACT**

Not applicable.

**SOURCE OF FUNDING**

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.

At the September 9, 2018 meeting, the Planning and Zoning Board voted 4 to 0 to forward Ordinance 2019-16 to the Town Commission with the recommendation of approval.

At the September 18, 2019 Special Meeting of the Town Commission, it was the consensus of the Commission to table the first reading of Ordinance 2019-16 to the October 7, 2019 meeting.

**PUBLIC HEARINGS**

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

WT/nvs