

# PLANNING AND ZONING BOARD MEETING AGENDA ITEM

## TOWN OF LADY LAKE, FLORIDA

### AGENDA ITEM TITLE

Ordinance 2019-19 — 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 94-08) Chapter 5, Section 5-4, “Zoning District Uses”; Prohibiting Agricultural Uses and Accessory Structures Incidental to Agricultural Activities in all Zoning Districts Except in the Ag-1 District; Providing an Exemption from the Requirement of a Building Permit for Accessory Structures and Uses Incidental to Agricultural Activity and to any Building Setback Requirements in Accordance with Chapter 604.50 of the Florida Statutes within the Ag-1 District.

### AGENDA ITEM ID

2019224

### DEPARTMENT

Growth Management

### STAFF RECOMMENDED MOTIONS

1. Motion to forward Ordinance 2019-19 to the Town Commission with the recommendation of approval.
2. Motion to forward Ordinance 2019-19 to the Town Commission with the recommendation of denial.

Staff recommends approval of Ordinance 2019-19.

### 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 draft 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, was originally 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]

At the September 18, 2019 meeting, after the aforementioned language as amended was discussed by the Town Commission, it was determined that if the agricultural uses and structures could not be regulated, perhaps the use of agriculture should be banned in all districts outside of the AG-1 designation. It was the direction of the Town Commission to proceed in that manner; however, those properties that have a current agricultural exemption status shall be grandfathered to continue those uses until at which time a development order or building permit is issued for a commercial or residential use.

**FISCAL IMPACT**

Not applicable.

**SOURCE OF FUNDING**

Not applicable.

**FUNDING ACCOUNT**

Not applicable.

**PAST ACTIONS**

The Technical Review Committee (TRC) members individually reviewed Ordinance 2019-19 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 2019-19 first reading on Monday, December 2, 2019 at 6 p.m. and for second and final reading on Monday, December 16, 2019 at 6 p.m.

WT/nvs