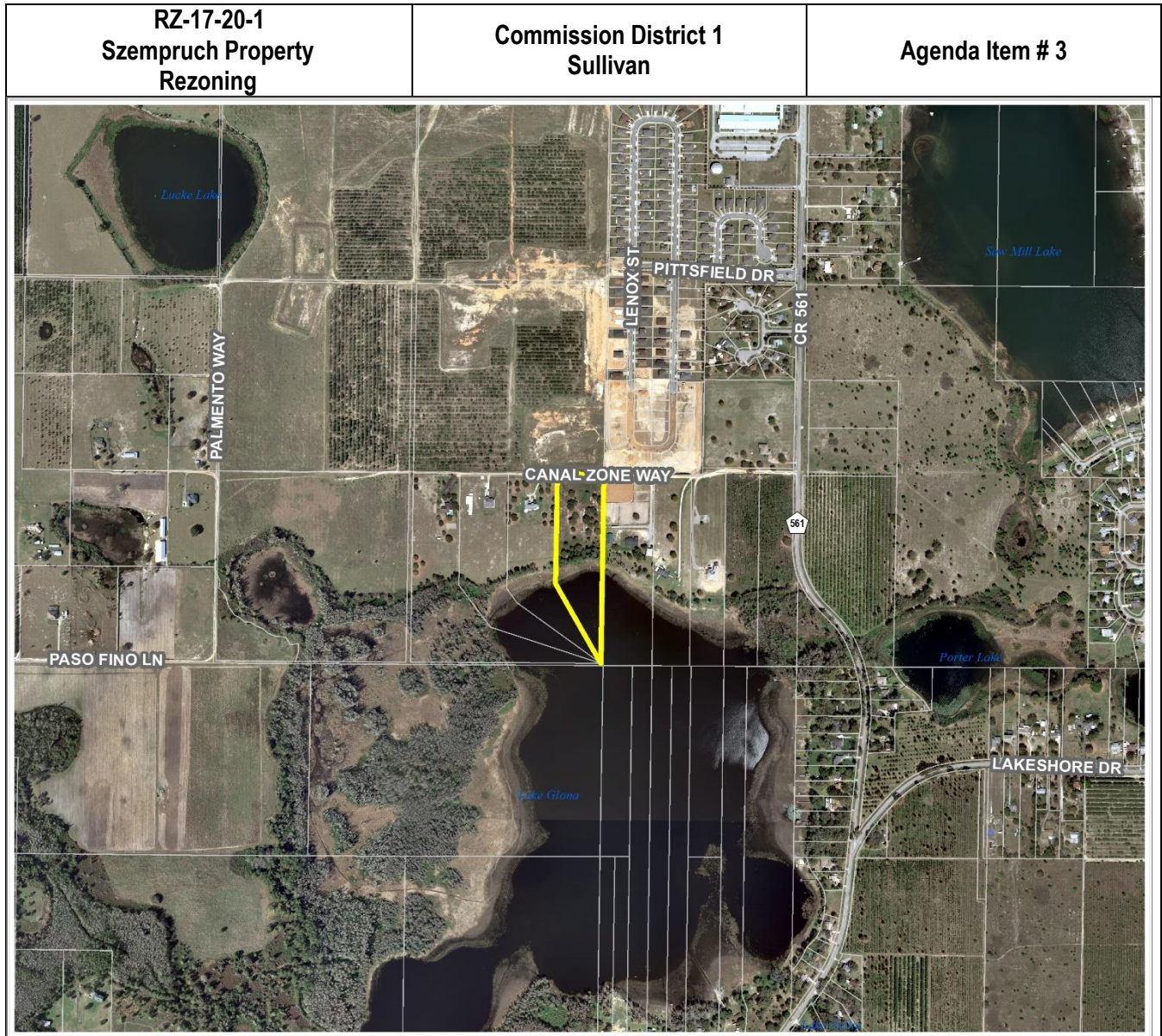


LAKE COUNTY OFFICE OF PLANNING AND ZONING
REZONING STAFF REPORT

PLANNING & ZONING BOARD
November 29, 2017



BOARD OF COUNTY COMMISSIONERS
December 19, 2017



Requested Action: Rezone 7.87 acres of Urban Residential District (R-6) zoned property to Agriculture (A) zoning District.

Owners: Ned R. Szempruch and Susan M. Szempruch, Trustees (the "Owners")

Applicant: Ned R. Szempruch (the "Applicant")

- Site Location & Information -

Size	Approximately 7.87 acres
Location	10000 Canal Zone Way, west of CR 561 in the Clermont area.
Alternate Key #	3564782
Future Land Use	Green Swamp Rural
Existing Zoning District	Urban Residential District (R-6)
Proposed Zoning District	Agriculture (A)
Joint Planning Area	Clermont

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Green Swamp Rural	PUD	Remnants of existing citrus groves	Vacant/Undeveloped
South	Green Swamp Rural	R-6	Wetlands	South shoreline of Lake Glona
East	Rural	A	SFR	Small Agricultural acreage
West	Green Swamp Rural	R-6	SFR	8.42 acre parcel

- Summary of Staff Determination -

<p>STAFF RECOMMENDATION: Staff recommends Approval of the application to rezone 7.87 acres of Urban Residential District (R-6) zoned property to Agriculture (A) Zoning District.</p> <p>PLANNING & ZONING BOARD RECOMMENDATION:</p>

- Analysis -

LDR Section 14.03.03 (Standards for Review)

The Applicant is requesting to rezone 7.87 acres of Urban Residential District (R-6) zoned property to Agriculture (A) District. The owners purchased the subject property as a place to retire and build a single family home with the understanding they could keep horses on the property for private use. Land Development Regulation (LDR) Section 3.01.02 (B)(2), defines Non-intensive Agriculture as the milking, feeding or sheltering of farm animals or growing of supplemental food supplies for the domestic, noncommercial use of the families living on the land. Pursuant to LDR, Section 3.01.03, *Schedule of Permitted and Conditional Uses*, this is not a permitted use in the R-6 zoning district, thereby denying the owners the ability to utilize the property as anticipated when it was originally purchased. Rezoning to Agriculture (A) will allow Non-Intensive Agriculture as a permitted use and enable the desired use of the land by permitting the keeping of horses for private use while maintaining consistency with existing uses on properties in the surrounding area.

- Analysis -

Land Development Regulations Section 14.03.03 Standards for Review.

A. Whether the proposed rezoning is in conflict with any applicable provisions of the Code;

The Applicant's request for Agriculture (A) District zoning is permitted within most Future Land Use Categories as specified in LDR, Table 3.00.03, *Land Use-Zoning District Matrix*. LDR, Section 3.01.03, *Schedule of Permitted and Conditional Uses*, allows in the Agriculture (A) zoning district, Non-Intensive Agriculture uses, which would allow the owners to keep horses on the subject property for private use.

B. Whether the proposed rezoning is consistent with all elements of the Lake County Comprehensive Plan;

The application request for Agriculture (A) zoning is consistent with Comprehensive Plan (Comp Plan) Policy 1-4.2.3 for development within the Green Swamp Rural Future Land Use Category, whereas a maximum density not to exceed one (1) dwelling unit per five (5) net buildable acres is allowed and typical uses include Agriculture and Equestrian related uses. Comp Plan Policy 1-1.2.8 recognizes agricultural and equestrian uses as a suitable use of property in all Future Land Use Categories. The subject property is located within the Green Swamp Area of Critical State Concern (GSACSC). Pursuant to Comp Plan Policy 1-4.1.2, the GSACSC has been determined to be an area of statewide environmental value and in recognition Lake County shall pursue a land use strategy that emphasizes passive parks, agriculture and very low density rural residential development protective of the natural environment.

C. Whether, and the extent to which, the proposed rezoning is inconsistent with existing and proposed land uses;

The proposed Agriculture (A) rezoning to facilitate agriculture uses on the property, specifically the keeping of horses for private use, is not inconsistent with the surrounding land uses, which are generally Agricultural/Equestrian and Residential.

D. Whether there have been changed conditions that justify a rezoning;

The subject property is currently vacant. As previously stated, it is the intention of the property owners to develop the subject property by constructing a single family home as the primary use and by the keeping of horses for private use, which is currently not a permitted use in the R-6 zoning district.

E. Whether, and the extent to which, the proposed rezoning would result in demands on public facilities, and whether, or to the extent to which, the proposed rezoning would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools and fire and emergency medical facilities;

Water and Sewer

The proposed rezoning for less intense agriculture uses will not likely cause any adverse impacts to water and sewer capacity or level of service.

Schools

The proposed map amendment will likely have no impact on schools.

Parks

The rezoning will likely have no impact on any public facilities.

Transportation

No adverse impacts are anticipated to affect CR 561.

Solid Waste

The proposed rezoning amendment will not likely cause any adverse impacts to the current solid waste capacity or level of service.

Fire and Emergency Services

Lake County Fire and Rescue Station #109, located in Clermont, is the facility that will provide services to the property. Station #109 is less than five (5) miles from the subject property and has a response time of five (5) minutes or less.

F. Whether, and the extent to which, the proposed rezoning would result in significant adverse impacts on the natural environment;

The property is currently vacant. The applicant is intending to build a single family home on the property and keep horses for private use, which is a non-intensive residential and agricultural use of the land. Therefore, no adverse impacts to the natural environment are anticipated. Any extensive future development will require the submittal of an Environmental Assessment pursuant to the Land Development Regulations.

G. Whether, and the extent to which, the proposed rezoning would affect the property values in the area;

The application does not contain any information regarding the effect the proposed rezoning would have on property values in the area.

H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern;

The proposed rezoning would likely result in an orderly and logical development pattern.

I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

The proposed rezoning application is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in Sections A through H above.

J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

N/A.

FINDINGS OF FACT: Staff has reviewed the proposed rezoning amendment and found:

1. The proposed rezoning is consistent with Comprehensive Plan (Comp Plan) Policy I-4.2.3, Green Swamp Rural Future Land Use Category, whereas a maximum density not to exceed one (1) dwelling unit per five (5) net buildable acres is allowed and typical uses include Agriculture and Equestrian related uses. Comp Plan Policy 1-1.2.8 recognizes agricultural and equestrian uses as a suitable use of property in all Future Land Use Categories.
2. The proposed rezoning is consistent with LDR Section 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows for Non-Intensive Agriculture uses that include the milking, feeding or sheltering of farm animals for the domestic, noncommercial use of the families living on the land, which would allow the owners to keep horses on the subject property for private use and LDR Table 3.00.03, *Land Use – Zoning District Matrix* in which Agriculture (A) zoning is permitted within most Future Land Use Categories.

Therefore, based on these findings of fact, staff recommends **APPROVAL**, subject to the conditions as set forth in the attached Ordinance.

Case Manager: Ken Johnson, Senior Planner

WRITTEN COMMENTS FILED: Supportive: -0- Concern: -0- Opposition: -0-

CURRENT FUTURE LAND USE

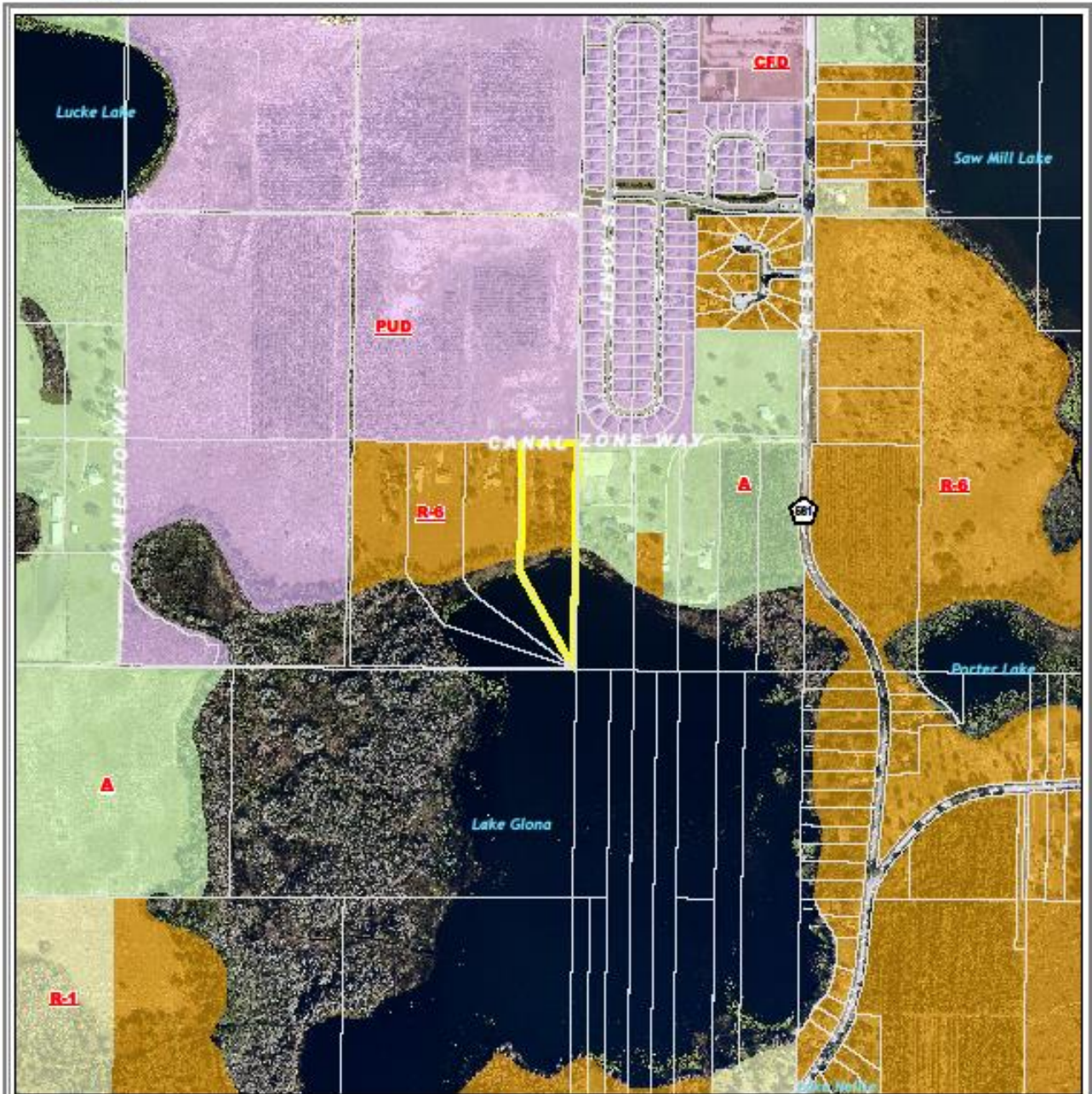


FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|--------------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Summer Bay |
| Cagan Crossings Conservation | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Low Density |
| Green Swamp Core Conservation | Mt Plymouth-Sorrento Neighborhood | Rural | Urban Medium Density |
| Green Swamp Ridge | Mt Plymouth-Sorrento Receiving Area | Rural Transition | Urban High Density |
| Green Swamp Rural | Regional Office | Sending Area A-1-20 | |
| Green Swamp Rural Conservation | Public Service Facility and Infrastructure | Sending Area A-1-40 | |
| | Receiving Area A-1-20 | South Lake Regional Park | |



NAME: SZEMPRUCH PROPERTY
CASE NUMBER: RZ-17-20-1
LOCATION (S-T-R): 15-23-25
REQUEST: URBAN RESIDENTIAL DISTRICT (R-6)
TO AGRICULTURE DISTRICT (A)



ZONING LEGEND

A	RA	R-2	R-4	R-7	RMRP	RV	C-2	LM	MP	PUD
AR	R-1	R-3	R-6	RP	RM	C-1	CP	HM	CFD	

NAME: SZEMPRUCH PROPERTY
CASE NUMBER: RZ-17-20-1
LOCATION (S-T-R): 15-23-25
REQUEST: URBAN RESIDENTIAL DISTRICT (R-6)
TO AGRICULTURE DISTRICT (A)



**ORDINANCE #2017-X
Szempruch Property
RZ-17-20-1**

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ned R. Szempruch (the "Applicant") submitted an application on behalf of Ned R. Szempruch and Susan M. Szempruch, Trustees (the "Property Owners") to rezone approximately 7.87 acres from Urban Residential District (R-6) to Agriculture (A) zoning district; and

WHEREAS, the subject property for this Ordinance consists of approximately 7.87 acres located on Canal Zone Way, west of CR 561 in the Clermont area, in Section 15, Township 23 South, Range 25 East, consisting of Alternate Key Number 3564782, and more particularly described as:

LEGAL DESCRIPTION:

Begin at the northeast corner of Tract 24, Groveland Farms, Lying in Section 15, Township 23 South, Range 25 East, according to the plat thereof as recorded in Plat Book 2, Pages 10 and 11, of the Public Records of Lake County, Florida, thence run south 89°44'02" west along the north line of the southeast ¼ of the northeast ¼ of said Section 15 for a distance of 330.24 feet to the west line of the east ½ of the aforesaid Tract 24; thence leaving said north line run south 00°29'02" west along said west line for a distance of 750.83 feet to the shore line of Lake Glona; thence run south 29°43'05" east for a distance of 657.36 feet to the southeast corner of Tract 25 of said Groveland Farms (also known as the east ¼ corner of the aforesaid Section 15); thence run north 00°27'49" east along the east line of the northeast ¼ of said Section 15 for a distance of 1323.27 feet to the point of beginning.

WHEREAS, the property subject to the request is located within the Green Swamp Rural Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the property will be zoned Agriculture (A) in accordance with the Lake County Zoning Regulations; and

WHEREAS, Lake County Planning and Zoning Board did review petition RZ-17-20-1 on the 29th day of November, 2017, after giving notice of a hearing for a change in the use of land, including a notice that the petition will be presented to the Board of County Commissioners of Lake County, Florida, on the 19th day of December, 2017; and

WHEREAS, the Board of County Commissioners reviewed the petition, the recommendations of the Lake County Planning & Zoning Board, staff report, and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

WHEREAS, upon review, certain terms pertaining to the development of the above described property have been duly approved; and

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that:

Section 1. Terms: The County Manager or designee shall amend the Official Zoning Map to rezone the subject property from Urban Residential District (R-6) to Agriculture (A).

1 **Section 2. Development Review and Approval.** Prior to the issuance of any permits, the Property Owners
2 shall submit applications for and receive necessary final development order approvals as
3 provided in the Lake County Comprehensive Plan and Land Development Regulations. The
4 applications for final development orders must meet all submittal requirements and comply with
5 all County codes and ordinances, as amended.

6 **Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
7 unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity
8 of the remaining portions of this Ordinance.

9 **Section 4. Filing with the Department of State.** The clerk is hereby directed forthwith to send a copy of
10 this Ordinance to the Secretary of State for the State of Florida in accordance with Section
11 125.66, Florida Statutes.

12 **Section 5. Effective Date.** This Ordinance will become effective as provided by law.

13 ENACTED this _____ day of _____, 2017.

14
15 FILED with the Secretary of State _____, 2017.

16
17 EFFECTIVE _____, 2017.

18
19 **BOARD OF COUNTY COMMISSIONERS**
20 **LAKE COUNTY, FLORIDA**

21
22 _____
TIMOTHY I. SULLIVAN, CHAIRMAN

23 **ATTEST:**

24 _____
25 **NEIL KELLY, CLERK OF THE**
26 **BOARD OF COUNTY COMMISSIONERS**
27 **LAKE COUNTY, FLORIDA**

28 **APPROVED AS TO FORM AND LEGALITY**

29 _____
30 **MELANIE MARSH, COUNTY ATTORNEY**