

ORDINANCE 14-15-02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, PERTAINING TO THE LAND DEVELOPMENT REGULATIONS, PROVIDING FOR AMENDMENTS TO SECTIONS 12.02.104 AND 12.05.316 OF THE CODE OF ORDINANCES, HIGHLANDS COUNTY, FLORIDA; PROVIDING FOR ALLOWING POT-BELLIED PIGS IN RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Highlands County Board of County Commissioners (hereinafter referred to as the “Board”) was regularly assembled on October 21, 2014; and

WHEREAS, pursuant to Article VIII, Section 1, Florida Constitution, and Sections 125.01 and 125.66, Florida Statutes, the Board has all powers of local self-government to perform county functions and to render county services in a manner not inconsistent with law, and that power may be exercised by the enactment of county ordinances; and

WHEREAS, the Board, on August 18, 1970, adopted Comprehensive Planning, Zoning and Building Regulations for Highlands County and provided for the administration, enforcement, and amendment thereof; and

WHEREAS, the Board, on January 1, 1995, adopted the Land Development Regulations for Highlands County and provided for the administration, enforcement, and amendment thereof; and

WHEREAS, the Board, on April 26, 2006, combined the Land Development Regulations with the Comprehensive Planning, Zoning, and Building Regulations into one publication titled the *Highlands County Land Development Regulations* for the purpose of making the Regulations easier to understand and enforce; and

WHEREAS, Chapter 163, Florida Statutes, provides for amendment to adopted Land Development Regulations; and

WHEREAS, those Land Development Regulations have been amended from time to time; and

WHEREAS, the Board deems it necessary for the purpose of promotion, protection and improvement of the public health, safety, comfort, good order, appearance, convenience, morals and general welfare of the County to amend those Regulations as set forth in this Ordinance; and

WHEREAS, no valid objection has been made to the proposed Ordinance and it appears to be in the best interest of the County that this Ordinance be adopted; and

WHEREAS, public hearings were held by the County Commission on said Ordinance on September 16, 2014 and October 21, 2014.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, after due notice and public hearing, that:

SECTION 1. AMENDED AND ADOPTED. Paragraph 153 of Section 12.02.104 of the Code of Ordinances Highlands County, Florida is amended and adopted to read as follows:

153. ~~Reserved.~~ Household pets shall include domesticated dogs, cats, birds, fish, rodents, rabbits, a pure-bred pot-bellied pig weighing 80 pounds or less, and the like, and shall not include any other variety of pigs or swine or any cattle, horses, sheep, goats, or other grazing animals, turkeys, poultry, fowl, emus, ostriches, llamas, alpacas, exotic/wild animals or any animals normally raised for food. Refer to section 12.05.316 of this code.

SECTION 2. AMENDED AND ADOPTED. Subsection A of Section 12.05.316 of the Code of Ordinances, Highlands County, Florida is amended and adopted to read as follows:

A. Except as provided by this section and section 12.05.201 of this chapter, it shall be unlawful for any person to keep or maintain any hoofed animals, fowl or livestock regardless of number, or permit them to be on any lot or premises within the limits of the unincorporated areas of Highlands County, Florida, unless it is zoned for agricultural purposes.

1. One pure-bred pot-bellied pig may be maintained, possessed or kept in a single-family dwelling located on a lot that is zoned EU, R-1A, or R-1 and has a minimum area of 10,000 square feet provided that:

a. The pot-bellied pig must be kept primarily inside the dwelling unit and must be leashed when it is outside the owner's real property;

b. Any area where the pot-bellied pig is kept must be cleaned of feces and urine and sanitized daily. Any odor from pot-bellied pig feces detectable at the lot line shall be a violation of this Code. Any pot-bellied pig excreta occurring off the owner's real property must be removed immediately; and

c. Pot-bellied pigs must be neutered or spayed and be free from any communicable disease within the species. Upon request by Highlands County, the owner shall verify pedigree, providing pure-bred lineage and a veterinarian's certificate, renewed annually, that states the pot-bellied pig's weight and that the pot-bellied pig has appropriate vaccinations and is free from parasitic disease.

2. A property owner may apply for a special exception, which must comply with the conditions listed in clauses a, b, and c of paragraph 1 of this section, to allow one pure-bred pot-bellied pig on lots that are zoned R-2, R-3, and R-3 NC or are zoned EU, R-1A, or R-1 but have less than 10,000 square feet.

SECTION 3. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or divisions of this ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this ordinance.

SECTION 4. INCLUSION IN THE CODE. When the text of this Ordinance is published for inclusion in the Code of Ordinances, Highlands County, Florida, the text marked for deletion by strike-through text shall be deleted and the additions appearing as underlined, double underlined, or highlighted shall be amended so that the text of the Code shall be as amended rather than in the legislative format used in this Ordinance to highlight the changes being made.

SECTION 5. CONFLICT. Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon filing with the Department of State.

DONE AND ADOPTED this 21st day of October, 2014.

(SEAL)



BOARD OF COUNTY COMMISSIONERS
OF HIGHLANDS COUNTY, FLORIDA

BY:

R. Greg Harris, Chairman

ATTEST:

By:

Robert W. Germaine, Clerk

COUNTY: (HIGHLANDS)

COUNTY ORDINANCE # 14-15-02

PRIMARY KEYFIELD:

DESCRIPTOR: (LAND DEVELOPMENT REGULATIONS)

SECONDARY KEYFIELD:

DESCRIPTOR: (_____)

OTHER KEYFIELD DESCRIPTOR: (____)

ORDINANCE DESCRIPTION: (POT-BELLIED PIGS)

(25 characters maximum including spaces)

ORDINANCE AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT # 1: (05-06-30)

AMENDMENT # 2: (13-14-11)

ORDINANCE REPEALED: (List below the ordinances that are repealed by this legislation)

REPEAL # 1: (_____);

REPEAL # 3: (_____);

REPEAL # 2: (_____);

REPEAL # 4: (_____);

(Others repealed: list all that apply:

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: (____)

KEYFIELD 1 CODE: (_____) KEYFIELD 2 CODE: (_____)

KEYFIELD 3 CODE: (_____)



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 22, 2014

Honorable Robert W. Germaine
Clerk of the Circuit Court
Highlands County
590 South Commerce Avenue
Sebring, Florida 33870-3867

Attention: Ms. Pamela Gamez, Deputy Clerk

Dear Mr. Germaine:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Highlands County Ordinance No. 14-15-02, which was filed in this office on October 21, 2014.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb