

ORDINANCE NO. 14 – 40

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 04-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE LAND REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING THE FOLLOWING: CHAPTER TWO – ZONING DISTRICTS AND USES, INCLUDING SECTION 2.03.01 AGRICULTURAL DISTRICTS, MORE SPECIFICALLY (1) TO AMEND THE PERMITTED USES IN THE AGRICULTURAL AND ESTATE DISTRICTS TO ALLOW HOGS TO BE KEPT FOR SHOW BY CHILDREN ENROLLED IN A 4-H DEVELOPMENT PROGRAM, AND (2) TO AMEND THE ACCESSORY USES IN THE ESTATE DISTRICT TO ALLOW OFF-SITE RETAIL SALE OF FRUITS, VEGETABLES, AND NURSERY PLANTS GROWN ON SITE; CHAPTER FOUR – SITE DESIGN AND DEVELOPMENT STANDARDS, INCLUDING SECTION 4.02.07 STANDARDS FOR KEEPING ANIMALS; CHAPTER FIVE – SUPPLEMENTAL STANDARDS, INCLUDING SECTION 5.04.05 TEMPORARY EVENTS; SECTION THREE, CONFLICT AND SEVERABILITY; SECTION FOUR, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION FIVE, EFFECTIVE DATE.

Recitals

WHEREAS, on October 30, 1991, the Collier County Board of County Commissioners adopted Ordinance No. 91-102, the Collier County Land Development Code (hereinafter LDC), which was subsequently amended; and

WHEREAS, the Collier County Board of County Commissioners (Board) on June 22, 2004, adopted Ordinance No. 04-41, which repealed and superseded Ordinance No. 91-102, as amended, the Collier County Land Development Code, which had an effective date of October 18, 2004; and

WHEREAS, the LDC may not be amended more than two times in each calendar year unless additional amendment cycles are approved by the Collier County Board of Commissioners pursuant to Section 10.02.09 A. of the LDC; and

WHEREAS, this amendment to the LDC is the second amendment for the calendar year 2014; and

WHEREAS, on March 18, 1997, the Board adopted Resolution 97-177 establishing local requirements and procedures for amending the LDC; and

WHEREAS, all requirements of Resolution 97-177 have been met; and

WHEREAS, the Board of County Commissioners, in a manner prescribed by law, did hold advertised public hearings on October 28, 2014, and November 18, 2014, and did take action concerning these amendments to the LDC; and

WHEREAS, the subject amendments to the LDC are hereby determined by this Board to be consistent with and to implement the Collier County Growth Management Plan as required by Subsections 163.3194 (1) and 163.3202 (1), Florida Statutes; and

WHEREAS, this ordinance is adopted in compliance with and pursuant to the Community Planning Act (F.S. § 163.3161 *et seq.*), and F.S. § 125.01(1)(t) and (1)(w); and

WHEREAS, this ordinance is adopted pursuant to the constitutional and home rule powers of Fla. Const. Art. VIII, § 1(g); and

WHEREAS, all applicable substantive and procedural requirements of the law have otherwise been met.

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

SECTION ONE: RECITALS

The foregoing Recitals are true and correct and incorporated by reference herein as if fully set forth.

SECTION TWO: ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE

SUBSECTION 2.A: AMENDMENTS TO SECTION 2.03.01 AGRICULTURAL DISTRICTS

Section 2.03.01, Agricultural Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.01 Agricultural Districts

- A. Rural Agricultural District (A). The purpose and intent of the rural agricultural district (A) is to provide lands for agricultural, pastoral, and rural land uses by accommodating traditional agricultural, agricultural related activities and facilities, support facilities related to agricultural needs, and conservation uses. Uses that are generally considered compatible to agricultural uses that would not endanger or damage the agricultural, environmental, potable water, or wildlife resources of the County, are permissible as **conditional uses** in the A district. The A district corresponds to and implements the

Agricultural/Rural land use designation on the future land use map of the Collier County GMP, and in some instances, may occur in the designated urban area. The maximum **density** permissible in the rural agricultural district within the urban mixed use district shall be guided, in part, by the **density** rating system contained in the future land use element of the GMP. The maximum **density** permissible or permitted in A district shall not exceed the **density** permissible under the **density** rating system. The maximum **density** permissible in the A district within the agricultural/rural district of the future land use element of the Collier County GMP shall be consistent with and not exceed the **density** permissible or permitted under the agricultural/rural district of the future land use element.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as **accessory** or **conditional uses** in the rural agricultural district (A).

a. *Permitted uses.*

1. Single-family **dwelling**.

2. Agricultural activities, including, but not limited to: Crop raising; horticulture; fruit and nut production; forestry; groves; nurseries; ranching; beekeeping; poultry and egg production; milk production; livestock raising, and **aquaculture** for native species subject to Florida Fish and Wildlife Conservation Commission permits.

i. The following permitted uses shall only be allowed on **parcels** 20 acres in size or greater:

a) dairying;

b) ranching;

c) poultry and egg production;

d) milk production;

e) livestock raising; and

f) animal breeding, raising, training, stabling or **kenneling**.

ii. On parcels less than 20 acres in size, individual property owners are not precluded from the keeping of the following for personal use and not in association with a commercial agricultural activity provided there are no open feed lots:

- a) Fowl or poultry, not to exceed 25 in total number; and
- b) Horses and livestock (except for hogs) not to exceed two such animals for each acre.
 - i. Notwithstanding the above, hog(s) may be kept for a 16 week period in preparation for showing and sale at the annual Collier County Fair and/or the Immokalee Livestock show. The following standards shall apply:
 - a) One hog per child enrolled in a 4-H Youth Development Program, Collier County Fair Program or similar program is permitted. In no case shall there be more than 2 hogs per acre.
 - b) Premises shall be fenced and maintained in a clean, healthful, and sanitary condition.
 - c) Premises or roofed **structure** used for the sheltering, feeding, or confinement of such animals shall be **setback** a minimum of 30 feet from **lot lines** and a minimum of 100 feet from any **dwelling unit** on an **adjacent parcel** of land.
 - d) Hog(s) shall not be returned to the property once removed for showing and/or sale.

3. Wholesale reptile breeding and raising (non-venomous), subject to the following standards:

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B. Estate District (E). The purpose and intent of the estates district (E) is to provide lands for low **density** residential **development** in a semi-rural to rural environment, with limited agricultural activities. In addition to low **density** residential **development** with

limited agricultural activities, the E district is also designed to accommodate as **conditional uses, development** that provides services for and is compatible with the low **density** residential, semi-rural and rural character of the E district. The E district corresponds to and implements the estates land use designation on the future land use map of the Collier County GMP, although, in limited instances, it may occur outside of the estates land use designation. The maximum **density** permissible in the E district shall be consistent with and not exceed the **density** permissible or permitted under the estates district of the future land use element of the Collier County GMP as provided under the Golden Gate Master Plan.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as **accessory** or **conditional uses** in the estates district (E).

a. *Permitted uses.*

1. Single-family **dwelling**.
2. **Family care facilities**, subject to section 5.05.04
3. **Essential services**, as set forth in section 2.01.03
4. Schools, public, including "**Educational plants**."

b. **Accessory Uses.**

1. Uses and **structures** that are accessory and incidental to uses permitted as of right in the (E) district.

~~2. Field crops raised for the consumption by persons residing on the premises.~~

2. Fruits, vegetables, and nursery plants grown for both personal consumption and off-site retail sale, such as farmer's markets. Farm operations that grow fruits, vegetables, and nursery plants for off-site retail sale shall be subject to LDC section 5.02.00 Home Occupations, as amended, and the following standards:

i. Farm operations shall not occupy more than 50 percent of the lot.

ii. Farm operations shall conform to minimum setbacks established in LDC sections 2.03.01 B.2 and 4.02.01 A. Table 2.1, however, no side, rear or front setbacks are required greater than 30 feet.

iii. Vegetation removal for farm operations shall be subject to LDC section 3.05.05 F, as amended.

3. Keeping of fowl or poultry, not to exceed 25 in total number, provided such fowl or poultry are kept in an enclosure located a minimum of 30 feet from any **lot line**, and a minimum of 100 feet from any residence on an **adjacent parcel** of land.
4. Keeping of horses and livestock (except for hogs), not to exceed two such animals for each acre, and with no open feedlots. Any roofed structure for the shelter and feeding of such animals shall be a minimum of 30 feet from any lot line and a minimum of 100 feet from any residence on an **adjacent parcel** of land.
 - i. Notwithstanding the above, hog(s) may be kept for a 16 week period in preparation for showing and sale at the annual Collier County Fair and/or the Immokalee Livestock show. The following standards shall apply:
 - a) One hog per child enrolled in a 4-H Youth Development Program, Collier County Fair Program or similar program is permitted. In no case shall there be more than 2 hogs per acre.
 - b) Premises shall be fenced and maintained in a clean, healthful, and sanitary condition.
 - c) Premises or roofed **structure** used for the sheltering, feeding, or confinement of such animals shall be **setback** a minimum of 30 feet from **lot lines** and a minimum of 100 feet from any **dwelling unit** on an **adjacent parcel** of land.
 - d) Hog(s) shall not be returned to the property once removed for showing and/or sale.

~~On **lots/parcels** of 1.25 acres and greater, section 5.04.05 D.1. provides for the issuance of a 16-week temporary use permit (TUP) to keep a maximum of 2 hogs while engaged in a bona fide 4-H youth development program.~~

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SUBSECTION 2.B: AMENDMENTS TO SECTION 4.02.07 STANDARDS FOR KEEPING ANIMALS

Section 4.02.07 Standards for Keeping Animals, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.02.07 Standards for Keeping Animals

Zoning District	Maximum Number of Animals
<u>A Agricultural Individual property owner) On parcels less than 20 acres</u>	Poultry or fowl—Total of 25 Horses and livestock—2 per acre Hogs—None ²
<u>Estates</u>	Poultry or fowl—Total of 25 ¹ Horses and livestock—2 per acre ¹ Hogs—None ³

¹ Enclosures shall be a minimum of thirty (30) feet from any **lot line**, and a minimum of 100 feet from any residence on an **adjacent parcel**.

² See LDC section 2.03.01 A.1.a.2.ii.b.i.

³ See LDC section 2.03.01 B.1.b.4.i.

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SUBSECTION 2.C: AMENDMENTS TO SECTION 5.04.05 TEMPORARY EVENTS

Section 5.04.05 Temporary Events, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.04.05 Temporary Events

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D. Temporary Uses, not elsewhere classified. At the direction of the BCC, the County may, from time to time, be called upon to allow certain uses for specific periods of time. After public hearing, the County Manager or designee may issue a Temporary Use Permit upon receipt of satisfactory evidence that all stipulations and/or requirements have been satisfied.

1. ~~Bona fide 4-H Youth Development Programs. A non-renewable 16-week permit may be issued to allow for the keeping of up to 2 hogs, on Estates zoned property of 1.25 acres or greater, in preparation for showing and sale at the annual Collier County Fair.~~

- a. ~~Pastures shall be fenced and maintained. Any roofed **structure** used for the sheltering, feeding, or confinement of such animals shall be **setback** a minimum of 30 feet from **lot lines** and a minimum of 100 feet from any residence on an **adjacent parcel** of land.~~
- b. ~~**Structures**, as described above, shall be maintained in a clean, healthful, and sanitary condition.~~
- c. ~~Once removed for showing and/or sale, the hog(s) shall not be returned to the property.~~
- d. ~~This permit may be revoked with cause.~~

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SECTION TWO: CONFLICT AND SEVERABILITY

In the event that any provisions of this ordinance should result in an unresolved conflict with the provisions of the Land Development Code (LDC) or Growth Management Plan (GMP), the applicable provisions of the LDC or GMP shall prevail. In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION THREE: INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE

The provisions of this Ordinance shall become and be made a part of the Land Development Code of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Florida Department of State.

