

FILED
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CLERK OF COUNTY
COLLIER COUNTY FLORIDA

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AN ORDINANCE AMENDING ORDINANCE NUMBER 82-2 THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY AMENDING SECTIONS 7.8, A-1- AGRICULTURAL DISTRICT, SUBSECTION b, PARAGRAPH 2) (f), PERMITTED ACCESSORY USES AND STRUCTURES AND 7.9, A-2-RURAL AGRICULTURE DISTRICT, SUBSECTION b, PARAGRAPH 2) (e), PERMITTED ACCESSORY USES AND STRUCTURES; BY PROVIDING FOR CONFLICT AND SEVERABILITY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statues, establishes the right and power of counties to provide for the health, welfare and safety of existing and future residents by enacting and enforcing zoning and business regulations necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners has identified the need within the community to amend the current regulations of a mobile home being used in conjunction with an active farming operation, without the three (3) year limitation; and

WHEREAS, the Community Development Division, representing the Board of County Commissioners of Collier County, Florida, makes its request to amend Ordinance Number 82-2, Section 7.8, Subsection b, Paragraph 2) (f) and Section 7.9, Subsection b, Paragraph 2) (e) Permitted Accessory Uses and Structures, by eliminating the three (3) year restriction for mobile homes when used in conjunction with agricultural use of land for commercial purposes;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA:

SECTION ONE: AGRICULTURAL DISTRICT (A-1) - PERMITTED ACCESSORY USES AND STRUCTURES.

Section 7.8, A-1 - "Agricultural District", Subsection b, Paragraph 2) (f), "Permitted Accessory Uses and Structures", of

Words underlined are additions; Words ~~struck-through~~ are deletions.

Ordinance Number 82-2, the Zoning Ordinance of Collier County,
is hereby amended to read as follows:

2) Permitted Accessory Uses and Structures:

- (a) Single-family dwellings.
- (b) Accessory uses and structures which are incidental to and customarily associated with uses permitted in the district.
- (c)* Private boat houses and docks, with or without boat hoists, on lake, canal or waterway lots.
- (d)* Farm labor housing subject to Section 9.3.
- (e)* On site retail sales of farm products primarily grown on the farm.
- (f)* A mobile home or trailer, used in connection with the agricultural uses is permitted on a temporary basis only, not to exceed the duration of the agricultural use of land for commercial purposes for which the mobile home is a permitted accessory use for three (3) years. Said mobile home use is renewable annually thereafter ~~whichever-shall-be-the-shorter~~, providing that a permit for such temporary use is obtained from the Director, upon a showing that said agricultural use of land for commercial purposes is a continuing use and further providing that the applicant is utilizing, for such agricultural use of a tract of five (5) acres or more, except that part lying in public road rights-of-way. Such mobile homes or trailers shall not be located closer than one hundred (100) feet from any County highway line, two hundred (200) feet from any State highway right-of-way, or five hundred (500) feet from any Federal highway right-of-way line.

The mobile home must be removed at the termination of the permitted period.

- (g)* Mobile home or trailer shall be permitted as a temporary residence while permanent residence is being constructed. Upon issuance of a building permit for the construction of a permanent residence, the Director may issue a permit for temporary use of a mobile home or trailer while permanent residence is being built. The duration of such permit shall be determined by the Director but in no case may it extend beyond the expiration date of the building permit or the completion of the residence whichever is the sooner.

Prior to the issuance of a final certificate of occupancy, the mobile home or trailer must be removed from the premises.

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SECTION TWO: RURAL AGRICULTURAL DISTRICT (A-2) - PERMITTED
ACCESSORY USES AND STRUCTURES.

Section 7.9, "A-2 - Rural Agriculture District", Subsection b, Paragraph 2)(e), "Permitted Accessory Uses and Structures", of Ordinance Number 82-2, the Zoning Ordinance of Collier County, Florida is hereby amended to read as follows:

2) Permitted Accessory Uses and Structures:

- (a) Accessory uses and structures which are incidental to and customarily associated with the uses permitted in the district.
- (b) Farm labor housing subject to Section 9.3.
- (c) On-site retail sales of farm products primarily grown on the farm.
- (d) Guest house (subject to Section 8.38).
- (e)* A mobile home or trailer, used in connection with the agricultural uses is permitted on a temporary basis only, not to exceed the duration of the agricultural use of land for commercial purposes for which the mobile home is a permitted accessory use for three (3) years. Said mobile home use is renewable annually thereafter, ~~whichever shall be the shorter,~~ providing that a permit for such temporary use is obtained from the Director, upon a showing that said agricultural use of land for commercial purposes is a continuing use and further providing that the applicant is utilizing, for such agricultural use a tract of five (5) acres or more, except that part lying in public road rights-of-way. Such mobile homes or trailers shall not be located closer than one hundred (100) feet from any County highway line, two hundred (200) feet from any State highway right-of-way, or five hundred (500) feet from any Federal highway right-of-way line.

The mobile home must be removed at the termination of the permitted period.

- (f)* Mobile home or trailer shall be permitted as a temporary residence while permanent residence is being constructed. Upon issuance of a building permit for the construction of a permanent residence, the Director may issue a permit for temporary use of a mobile home or trailer while permanent residence is being built. The duration of such permit shall be determined by the Director but in no case may it

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extend beyond the expiration date of the building permit or the completion of the residence whichever is the sooner. Prior to the issuance of a final certificate of occupancy, the mobile home or trailer must be removed from the premises.

SECTION THREE: CONFLICT AND SEVERABILITY

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 the 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 FOUR: EFFECTIVE DATE

This Ordinance shall become effective upon receipt of notice from the Secretary of State that this Ordinance has been filed with the Secretary of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 19th day of December, 1989.

ATTEST:
JAMES C. GILES, Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Marjorie M. Student
MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY

ZO-89-23 ORDINANCE AMENDMENTS
nb/1537

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: Burt L. Saunders
BURT L. SAUNDERS, CHAIRMAN

This ordinance filed with the
Secretary of State's Office the
27th day of Dec., 1989
and acknowledgement of that
filing received this 5th day
of Jan., 1990

James Chesnut
Deputy Clerk

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STATE OF FLORIDA)
COUNTY OF COLLIER)

I, JAMES C. GILES, Clerk of Courts in and for the
Twentieth Judicial Circuit, Collier County, Florida, do
hereby certify that the foregoing is a true copy of:

Ordinance No. 89-90

which was adopted by the Board of County Commissioners on
the 19th day of December, 1989, during Regular Session.

WITNESS my hand and the official seal of the Board of
County Commissioners of Collier County, Florida, this 21st
day of December, 1989.

JAMES C. GILES
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners


By: /s/Maureen Kenyon
Deputy Clerk

