



## STAFF REPORT

**TO:** COLLIER COUNTY PLANNING COMMISSION  
**FROM:** ZONING DIVISION; GROWTH MANAGEMENT DEPARTMENT  
**HEARING DATE:** 05/26/2021  
**SUBJECT:** LDCA-PL20200001481 Good Oysters Landing +

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### **APPLICANT/AGENT:**

Applicant:  
Jeffery McDonald  
1790 Wave Crest Court  
Marco Island, FL 34145

Agent:  
Patrick G. White, Esq.  
4748 West Blvd.  
Naples, FL 34103

### **REQUESTED ACTION:**

To have the Collier County Planning Commission (CCPC) consider an application for a Land Development Code (LDC) amendment to Section 2.03.07 J Goodland Zoning Overlay (GZO) District and more specifically LDC section 2.03.07 J.2 Conditional Uses and LDC section 4.02.22 Table-14 Design and Dimensional Standards in the GZO District. This amendment proposes a new conditional use in the Goodland Zoning Overlay District to allow for oyster and shellfish processing and distribution facilities and prohibit the onsite washing and rinsing of oysters. Also, it shall allow a design standard for the water-dependent and/or water-related use (oyster processing and distribution facility) to be no greater than 750 square feet in gross floor area. Further, it will allow a single family live/work unit over and/or abutting the oyster processing and distribution facility (including ecotours to the oyster farm site) with ancillary convenience commercial. (See *Attachment A*-proposed LDC amendment)

### **GEOGRAPHIC LOCATION:**

LDC amendments are not typically associated with a specific parcel or geographic location. However, the proposed LDC amendment is associated with a previously submitted companion Conditional Use rezoning request (PL20190002211). The request is to process and sell (retail and wholesale) oysters associated with an oyster farm located in the waters of Ten Thousand Islands,

Florida and to conduct ecotours of an oyster farm. (See *Attachment B-Aerial*, Site Location and Current Zoning Map).

**PURPOSE/DESCRIPTION OF PROJECT:**

In LDC section 2.03.07 J.2, the applicant has proposed the LDC amendment add a new conditional use for water-dependent and/or water-related uses in the Goodland Overlay Zoning (GZO) District for Goodland Island. The “*water-dependent and/or water-related uses*” are comprised of “*oyster and shellfish processing, distribution and on-site sales of oysters and shellfish and related convenience retail, on property no less than 0.25 acres, which may include ecotours (maximum of 12 passengers) and the storage of 2 vessels, but excludes the washing and rinsing of oysters and shellfish onsite.*” The use shall comply with the State of Florida licensing and certification requirements in accordance with “*The Comprehensive Shellfish Code in Chapter 5L-1, F.A.C. as amended.*”

Further, the proposed LDC amendment shall add a new design standard in the GZO District for “*water-dependent uses in the VR District that are approved by a conditional use.*” This design standard shall limit each use to a maximum of 750 square feet of gross floor area that is a relatively small building footprint as is the current appearance of Goodland. See *Attachment A-LDC Sections 2.03.07 J. and 4.02.22.*

The applicant has been issued a lease (CC-1851) to harvest oysters in the Ten Thousand Islands and staff verified the lease with the Florida Department of Agriculture and Consumer Affairs. The subject property for the oyster processing and distribution facility is zoned Village Residential (VR), approximately 11,978 square feet in area or 0.2749 acres and greater than 0.25 acres. Pictures of the actual lease area are shown in *Attachment B*. The applicant intends to live year-round, on site, to operate the oyster processing and distribution facility.

The applicant asserts the LDC amendment, when adopted, would “*only authorize development through the approval of conditional uses that would be compatible with, and complimentary to, the current permitted, conditional, and accessory uses for Goodland Island.*”

**GROWTH MANAGEMENT PLAN (GMP) CONSISTENCY:**

The Future Land Use Element designates Goodland Island as Urban Coastal Fringe Subdistrict and an Urban Mixed-Use District (UMUD) and is intended to accommodate a variety of residential and non-residential land uses. *FLUE Policy 7.5* states the following: “The County shall encourage mixed-use development within the same buildings by allowing residential dwelling units over and/or abutting commercial development. This Policy shall be implemented through provisions in specific Subdistricts in this Growth Management Plan”. This policy would be met if the privately initialed LDC amendment and subsequent conditional use approval is granted.

The proposed LDC amendment has been reviewed by Comprehensive Planning Staff and may be deemed consistent with the GMP.

## **STAFF ANALYSIS:**

Shellfish harvesting/farming, processing, distribution, and handling is a highly regulated industry by the State of Florida and U.S. governmental agencies.

“The Florida Department of Agriculture and Consumer Services (FDACS), Division of Aquaculture certifies all aquaculturists, issues and regulates all aquaculture leases and certifies all shellfish processors in the state”, (FDACS-P-02154 Technical Bulletin #05-Revised January 2021). The Division of Aquaculture classifies shellfish harvesting areas either as, Approved, Conditionally Approved, Prohibited, or Unclassified. The later two classification do not permit the harvesting of shellfish while an approved harvesting area is normally open to shellfish harvesting and a conditionally approved harvesting area is periodically closed to shellfish harvesting when pollution events, such as rainfall or river stage occur. All shellfish aquaculture leases are in Approved and Conditionally Shellfish Harvesting areas. The Ten Thousand Island area is a Shellfish Harvesting area comprised of several locations to farm clams and oysters. The applicant has been issued a lease harvest area CC-1851. (See *Attachment C* – Individual Parcel Lease in Collier County- Occupied and Vacant Areas). Shellfish must be delivered to a certified processor the same day as harvest and commercial harvesters using onboard cooling systems must deliver the oysters to a certified shellfish processing facility and oyster, must be placed under mechanical refrigeration by the shellfish processor by no later than 3:00 p.m. of the harvest day. (F.A.C. Rule 5L-1.008 (9) (a) Shellfish Handling-Onboard Cooling Option). For rapid cooling option, during the months of May through September, shellfish processors must place all harvested oysters under mechanical refrigeration by no later than 11:00 a.m., F.A.C. Rule 5L 1.008 (10) (b). This is an important highpoint to locating an oyster processing and distribution facility within a reasonable travel distance from the harvest site to the facility on Goodland Island.

The applicant has stated all cleaning and rinsing of oysters shall occur offsite of the processing and distribution facility. The state has adopted two water treatment standards; depuration water treatment and wet storage treatment, per F.A.C. Rule 5L-1.017, to determine if standards are being met and if controls are effective. The depuration treatment of shellfish is a controlled process designed to reduce bacterial contamination to an acceptable level as defined in subsection F.A.C. Rule 5L-1.004 (5). The wet storage of shellfish is done to enhance product quality of shellfish that have been harvested from Approved or Conditionally Approved shellfish harvest areas in the open status. The applicant has agreed to prohibit the washing and rinsing of oysters on site, which could contribute to industrial wastewater management generated from the farming operations.

Goodland Island has a long history of shellfish farming, dating back to the early 1900s. Shellfish farming, “According to the U.S. Department of Agriculture’s 2018 *Census of Aquaculture*, shellfish farming was the second highest valued aquaculture product in Florida in 2018” (FDACS-P-02154 Technical Bulletin #05-Revised January 2012). The operation of any shellfish processing facility requires a shellfish processing certification to be issued by FDACS and a certified building inspection. A commercial harvester must comply with the Comprehensive Shellfish Control Code, Chapters 5L-1 and 5L-3 *Aquaculture Best Management Practices* (BMP) F.A.C. The certification of the shellfish processing facility shall occur after the site for Conditional Use has been approved.

Staff requested the GIS staff to prepare a list, taken from the Collier County Real Property Appraiser’s Office, of all zoned Village Residential (VR) developed and vacant parcels, including

their lot area for Goodland Island. The list yields, 196 parcels are currently zoned VR, of which 68 belong to Drop Anchor Mobile Home Coop, 3 are 0.89, 1.68, 5.02 acres in size and 125 vary from 0.08 acres up to 0.37 acres in size. The value of this analysis confirmed there are adequate vacant land and available parcels, in size of 0.25 acres or greater, which shall qualify for water-dependent and/or water-related uses through the conditional use approval process.

Since the applicant's initial LDC amendment submittal, staff had several meetings and numerous email correspondences with the applicant's representative to reach the current proposed LDC text amendment. The modified text serves to meet the applicant's project description and shall provide a conditional use procedural review process with the opportunity for other water-dependent and/or water-related uses on Goodland Island, to be evaluated for compatibility and the effect on neighboring properties. Because of the integration of water dependent uses with an oyster/shellfish processing facility and a live/work residential unit, the development shall reflect the unique residential and commercial characteristics of the Goodland community.

The LDC amendment offers an alternative for water dependent land use that provide for the economic development of a unique industry.

**DEVELOPMENT SERVICES ADVISORY COMMITTEE RECOMMENDATION:**

The Development Services Advisory Committee-Land Development Review (DSAC-LDR) Subcommittee reviewed the privately initiated LDCA petition on March 31, 2021 and unanimously recommended approval by eliminating the reference to "Waterfront Dependent Uses" and cite only "Oyster and shellfish processing..." which is a water dependent use on waterfront property.

After DSAC-LDR recommendation, staff presented a minor textual to recognize there are other water dependent and water-related uses that can be allowed on water front property other than a mixed-use water dependent use and that the terms "water-dependent and/or water-related" are terms that are used throughout the LDC, and specifically in LDC sections 2.03.05 B. and 2.03.6 C.2. The full DSAC reviewed the revised text on May 05, 2021 and unanimously recommended approval of the amendment. The revised text has been incorporated with this Staff Report and highlighted in yellow.

**COUNTY ATTORNEY OFFICE REVIEW:**

This Staff Report was reviewed by the County Attorney's Office on May 07, 2021.

**STAFF RECOMMENDATION:**

Staff recommends that the Collier County Planning Commission (CCPC) forward Petition PL-20200001481 to the Board of County Commissioners (BCC) with a recommendation of approval.

Attachments:

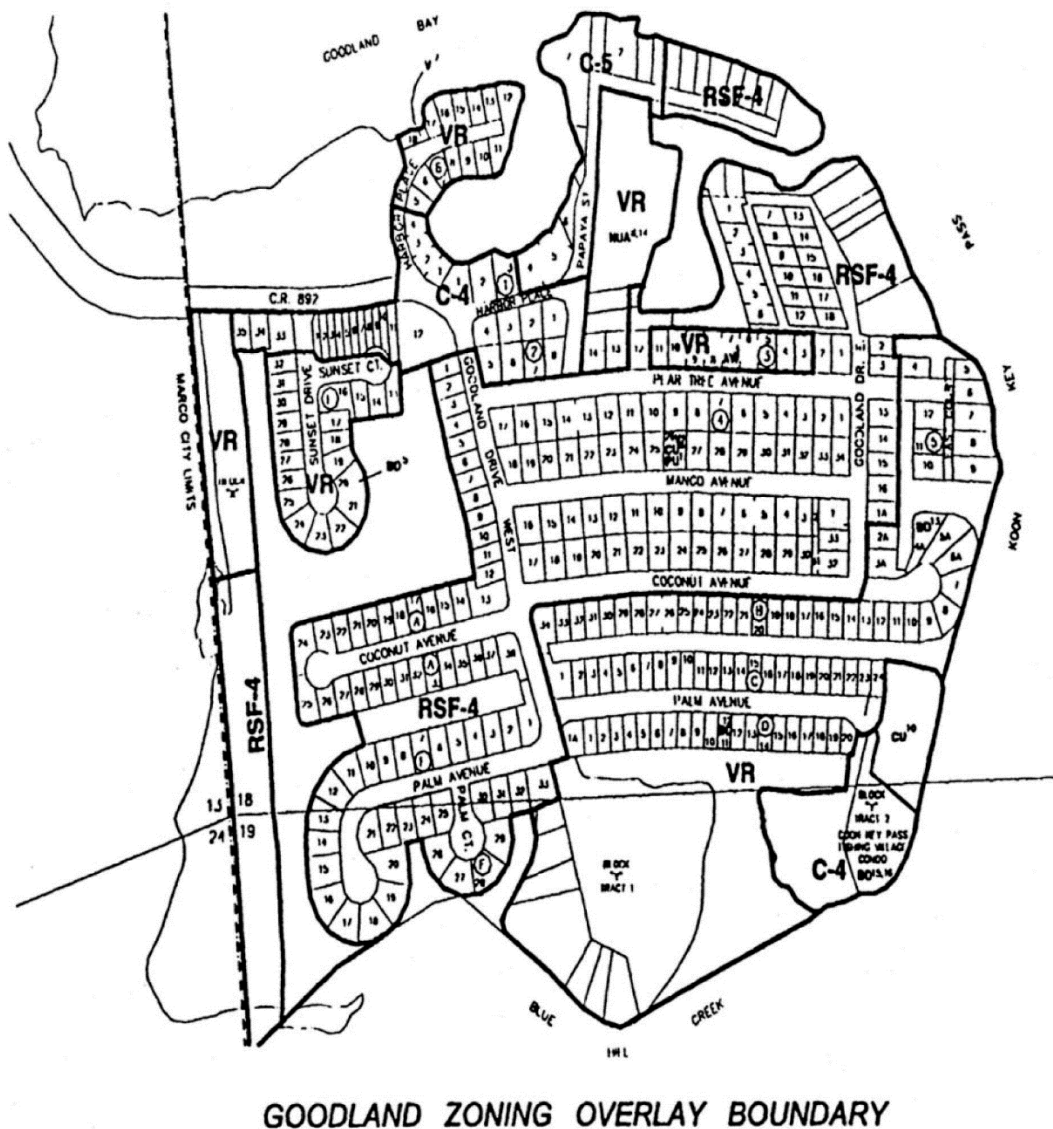
- A. LDC Sections 2.03.07 J. and 4.02.22
- B. Aerial, Site Location and Current Zoning Map
- C. Individual Lease Parcels in Collier County-Occupied and Vacant Areas



**LDC Section 2.03.07-Overlay Zoning Districts**

- J. Goodland Zoning Overlay (GZO). To create design guidelines and development standards that will assure the orderly and appropriate development in the unincorporated area generally known as Goodland. The Goodland Zoning Overlay district (GZO) is intended to provide regulation and direction under which the growth and development of Goodland can occur with assurance that the tropical fishing village and small town environment of Goodland is protected and preserved, and that development and/or redevelopment reflect the unique residential and commercial characteristics of the community. The boundaries of the Goodland Zoning Overlay district are delineated on Map 1 below.

GZO - Map 1



## ATTACHMENT A

1. *Permitted uses.* The following uses are permitted as of right in this subdistrict:
  - a. Clam nursery, subject to the following restrictions:
    - i. A "clam nursery" is defined as the growing of clams on a "raceway" or "flow-through saltwater system" on the shore of a lot until the clam reaches a size of approximately one-half inch.
    - ii. For the purposes of this section, a "raceway" or "flow-through salt water system" is defined as a piece of plywood or similar material fashioned as a table-like flow through system designed to facilitate the growth of clams.
    - iii. At no time may a nursery owner operate a raceway or raceways that exceed a total of 800 square feet of surface area.
    - iv. The nursery must meet the requirements of a "minimal impact aquaculture facility" as defined by the Department of Agriculture.
    - v. The nursery must not be operated on a vacant lot, unless both of the following requirements are met:
      - a) The vacant lot is owned by the same individual who owns a lot with a residence or habitable structure immediately adjacent to the vacant lot; and
      - b) The vacant lot must not be leased to another individual for purposes of operating a clam farm within the RSF-4 and VR zoning districts.
    - vi. At no time will a nursery owner be allowed to feed the clams, as the clams will be sustained from nutrients occurring naturally in the water.
    - vii. Only the property owner or individual in control of the property will be allowed to operate a raceway on the shore off his property within the VR and RSF-4 zoning districts. In other words, a landowner must not lease his property to another individual to use for purposes of operating a clam nursery.
    - viii. Any pump or filtration system used in conjunction with the nursery must meet all applicable County noise ordinances and must not be more obtrusive than the average system used for a non-commercial pool or shrimp tank.

2. **Conditional Uses.** The following use is allowed in the GZO as a conditional use:

a. Water-Dependent and/or Water-Related Uses:

- a.i. Oyster and shellfish processing, distribution and on-site sales of oysters and shellfish and ancillary convenience retail, on waterfront property no less than 0.25 acre, which may include ecotours (maximum twelve passengers) and storage of two vessels, but excludes the washing and rinsing of oysters and shellfish onsite. This use must comply with all requirements for Florida-state licensing and certification, including "The Comprehensive Shellfish Code" in Chapter 5L-1, F.A.C., as amended.

RESERVED

ATTACHMENT A

3. Parking/storage of major recreational equipment, personal vehicles, and certain commercial vehicles.
  - a. Within the VR and RSF-4 zoning districts, except for specifically designated travel trailer subdivisions, boats, trailers, recreational vehicles and other recreational equipment may be stored in any yard subject to the following conditions.
    - i. Recreational equipment must not be used for living, sleeping, or housekeeping purposes when parked or stored.
    - ii. Recreational vehicles or equipment must not exceed 35 feet in length.
    - iii. Recreational vehicles or equipment must not be parked, stored or encroach in any county right-of-way easement.
    - iv. Recreational vehicles or equipment that exceed 35 feet in length will be subject to the provisions of section 5.03.06 of this Code.
  - b. Personal vehicles may be parked in drainage swales in the VR and RSF-4 zoning districts subject to the following conditions.
    - i. No vehicle shall block or impede traffic.
  - c. Commercial vehicles 35 feet in length or less will be allowed to park at the owner's home and in the drainage swale subject to the following conditions:
    - i. No vehicle shall block or impede traffic;
    - ii. Drainage must not be blocked or impeded in any way as a result of the parking in the swales;
    - iii. Parking will only be permitted in driveways and not in yard areas; and
    - iv. No more than two commercial vehicles may be parked at one residence/site, unless one or more of the vehicles is engaged in a construction or service operation on the residence/site where it is parked. The vehicle engaged in this service must be removed as soon as the construction or service is completed. For purposes of this subsection only, a commercial vehicle is defined as a van, pickup truck, or passenger car used for commercial purposes and licensed by the Department of Transportation. A vehicle is not considered a commercial vehicle merely by the display of a business name or other insignia. No other commercial vehicle, such as dump trucks, cement trucks, forklifts or other equipment used in the construction industry will be allowed to park at a residence or site overnight unless specifically approved by the County Manager or his designee.
  
4. Storage sheds. Parcels located off of Bayshore Way are allowed to retain any sheds that were constructed prior to October 17, 2003. Storage sheds for fishing and boat equipment on the boat dock parcels off of Bayshore.

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**LDC Section 4.02.22 - Design Standards for GZO District**

- A. These regulations are intended to supplement the existing land development regulations found in this LDC. In the event of a conflict between other provisions of this LDC and these regulations, these regulations contained in this overlay shall control.
- B. Dimensional Standards.

**Table 14. Design and Dimensional Standards in the GZO District.**

Design Standard	
Maximum building height	Same as the VR District, but not more than 2 levels of habitable space for residential purposes
Minimum lot requirements Single family dwelling or mobile home Minimum lot area Minimum lot width	Same as the VR District, except as follows: 4,275 square feet 45 feet
Minimum lot requirements Minimum lot area Minimum lot width	Same as the RSF-4 District, except as follows: 5,000 square feet 50 feet
Minimum setback requirements Side yard	Same as the RSF-4 District, except as follows: 5 feet
<a href="#"><u>Water-dependent and/or water-related uses in the GZO that are approved by a conditional use in the GZO</u></a>	<a href="#"><u>Each use shall not exceed 750 square feet gross floor area.</u></a> <a href="#"><u>For mixed use water-dependent and/or water-related uses, LDC section 4.02.05 may be applied to a single family live-work unit on waterfront property.</u></a>

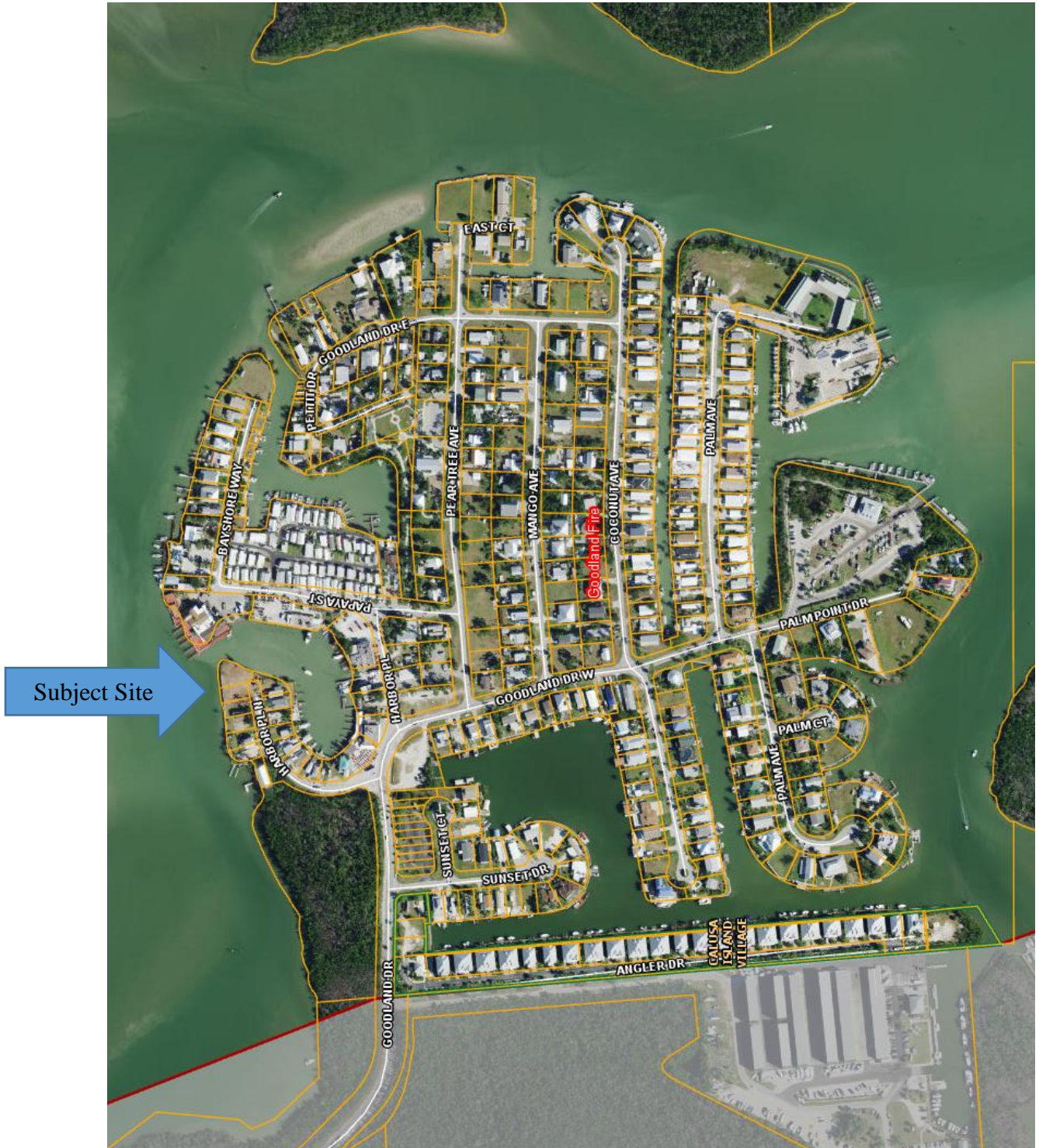
- C. Specific design standards.
  - 1. Within the VR and RSF-4 zoning districts, except for specifically designated travel trailer subdivisions, boats, trailers, recreational vehicles and other recreational equipment may be stored in any yard subject to the following conditions.
    - a. No recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored.
    - b. No recreational vehicle or equipment shall exceed 35 feet in length.
    - c. No recreational vehicle or equipment shall be parked, stored nor encroach in any county right-of-way or easement.
    - d. Recreational vehicles or equipment that exceed 35 feet in length shall be subject to the provisions of the County Code regarding parking of commercial or recreational vehicles.
    - e. Personal vehicles may be parked in drainage swales in the VR and RSF-4 zoning districts subject to the following conditions: No vehicle shall block or impede traffic.

ATTACHMENT A

- 2. Within the VR and RSF-4 zoning districts, fishing equipment, such as crab traps, anchors and other similar items, may be displayed or stored in any yard subject to the following conditions:
  - a. The storage of fishing related equipment is permitted only in association with a fishing-related business.
  - b. Storage of toxic materials is prohibited.
  - c. The storage or display area shall be located a minimum of 5 feet from any property line or County right-of-way.
  - d. Fishing related items may be used for decorative purposes.

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Aerial and Site Location



Current Zoning Map



The Historic/Archaeological Probability Maps are the official County source designating historic or archaeological resources.

4/18/18 OTHER

THIS IS TO CERTIFY THAT THIS IS A PAGE OF THE OFFICIAL ZONING ATLAS REFERRED TO AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLEGE COUNTY, FLORIDA, ADOPTED, JUNE 22, 2004, AS AMENDED BY THE ZONING MAPS AND SUBDIVISION INDEX REVISIONS HEREON.

BY: *[Signature]* CHAIRMAN  
 ATTEST: *[Signature]* CLERK  
 Signature Only

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REVISIONS

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Individual Lease Parcels in Collier County-Occupied (Green) and Vacant (Yellow) Areas

