

COUNTY OF HENDRY, STATE OF FLORIDA

ORDINANCE NO. 2016 - 06

RECORDED IN ORDINANCE BOOK XVIII, PAGE 126

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HENDRY COUNTY, FLORIDA, AMENDING THE HENDRY COUNTY CODE OF ORDINANCES, MORE SPECIFICALLY, TABLE 53-1, TABLE OF USE REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Hendry County has adopted the Hendry County Land Development Code pursuant to the authority granted by the Florida Constitution, Florida Statutes, and Laws of Florida; and

WHEREAS, the purpose of the Code is to provide for orderly growth, to encourage the appropriate use of land, to discourage incompatible uses of adjacent properties, and to implement the goals and objectives of the Hendry County Comprehensive Plan; and

WHEREAS, the County has determined there is a need to amend Table 53-1, Table of Use Regulations; and

WHEREAS, the Hendry County Local Planning Agency has considered the proposed amendments to the Code of Ordinances and conducted a public hearing to receive public input.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Hendry County:

SECTION ONE. Table 53-1, Table of Use Regulations is hereby amended in accordance with Exhibit A incorporated by reference herein.

SECTION TWO. SEVERABILITY.

If any section, phrase, sentence or portion of this ordinance is for any reason 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 portions thereof.

SECTION THREE. CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Hendry County Ordinance or Florida Statutes, the more restrictive shall apply.

SECTION FOUR. CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Hendry County Code; and that sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the County Administrator, or the County Administrator's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Clerk of Circuit Court.

SECTION FIVE. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its filing with the Secretary of State. Duly passed and adopted in Regular Session of the Board of County Commissioners of Hendry County, Florida this 8th day of March 2016.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF HENDRY COUNTY, FLORIDA

Barbara Butler

Barbara Butler, Clerk



Michael Swindle

Michael Swindle, Chairman

EXHIBIT 1
PART I - CODE OF ORDINANCES

Chapter 1-53 ZONING

Chapter 1-53 ZONING

Sec. 1-53-1 – 1-53-2 - No Change

Sec. 1-53-3. - Zoning districts.

1-53-3.1. Table of use regulations. Table 53-1 lists the principal uses which will be permitted on a parcel or lot in the zoning districts established in this chapter. No person or other entity may place a structure or conduct an activity, or allow a structure or an activity to occur, on land within any zoning district in the county when such use is not a use permitted by right within that zoning district as set forth in table 53-1, except that a structure or activity may be allowed by special exception granted pursuant to the provisions of chapter 1-51 in a zoning district where such structure or use is shown as a use permitted by special exception in table 53-1, and except that a use which is permitted in a zoning district county-wide by a specific provision of this code shall be allowed pursuant to that provision notwithstanding table 53-1.

TABLE 53-1. TABLE OF USE REGULATIONS

		Zoning Districts													
Land Use or Activity		A-1	A-2	A-3	RR	RR-F	R G- 1 R G- 1M	R G- 2 R G- 2M	RG -3 RG - 3M	RG -4	C- 1	C-2	C-3	I- 1	I-2
(a)	Agricultural uses.														
(1)	Agriculture	P	P	P/4	P/1	P	—	—	—	—	S	S	S	P	P
(2)	Agricultural processing	—	S	—	—	—	—	—	—	—	—	—	S	P	P
(3)	Agricultural worker housing	—	S	—	—	—	—	—	—	—	—	—	—	—	—
(4)	Hunting camp	P	P	—	—	—	—	—	—	—	—	—	—	—	—
(b)	Residential uses.														

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(1)	Boardinghouse and roominghouse	—	—	—	—	—	—	—	S	S	—	—	—	—
(2)	Community residential home, major	—	—	—	—	—	—	—	P	P	—	—	—	—
(3)	Community residential home, minor	<u>P/3</u>	<u>P/3</u>	<u>P/3</u>	<u>P/3</u>	<u>P/3</u>	<u>P/3</u>	<u>P/3</u>	<u>P/3</u>	<u>P/3</u>	—	—	—	—
(4)	Mobile home	P	P	—	P	P	P	P	P	—	S	—	—	—
(5)	Mobile home park	—	—	—	—	—	—	—	S/2	—	—	—	—	—
(6)	Multifamily dwelling	—	—	—	—	—	—	—	—	P	—	—	—	—
(7)	Single-family dwelling	P	P	P	P	P	P	P	P	P	P	—	—	—
(8)	Townhouse dwelling	—	—	—	—	—	—	—	—	P	—	—	—	—
(9)	Two-family dwelling	—	—	—	—	—	—	—	—	P	—	—	—	—
(10)	Mixed use development	—	—	—	—	—	—	—	<u>SP/2</u>	<u>P/2</u>	<u>P/2</u>	<u>P/2</u>	<u>P/2</u>	—
(11)	Nursing home/ACLF	—	—	—	—	—	—	—	S	S	—	—	—	—
(c)														
Commercial uses.														
(1)	Convenience commercial	—	S	S	—	—	—	—	S	S	P	P	P	S

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(2)	Entertainment establishment	—	—	—	—	—	—	—	—	—	—	S	S	—	—
(3)	General commercial	—	—	S	—	—	—	—	—	—	—	P	P	S	S
(4)	High-intensity commercial	—	—	—	—	—	—	—	—	—	—	S	P	S	S
(5)	Professional service or office	—	—	—	—	—	—	—	—	—	P	P	P	P	P
(6)	Recreational vehicle park	—	S	—	—	—	—	—	—	—	—	—	S	—	—
(7)	Pain management clinic	—	—	—	—	—	—	—	—	—	—	—	S	—	—
(d)	Industrial uses.														
(1)	Auto salvage/junkyard	—	—	—	—	—	—	—	—	—	—	—	—	—	P
(2)	Light industry	—	—	S	—	—	—	—	—	—	—	—	—	P	P
(3)	Heavy industry	—	—	—	—	—	—	—	—	—	—	—	—	S	P
(4)	Warehousing/distribution	—	—	—	—	—	—	—	—	—	—	—	—	S	P
(5)	Mining	—	$\frac{P}{2}$ S	—	—	—	—	—	—	—	—	—	—	—	$\frac{P}{2}$ S
(e)	Public and semipublic uses.														
(1)	Airport/private landing strip	S	S	—	—	—	—	—	—	—	—	—	—	S	S

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(2)	Broadcast tower	P	P	—	—	—	—	—	—	—	S	S	S	P	P
(3)	Conservation	P	P	P	P	P	P	P	P	P	P	P	P	P	P
(4)	Essential public utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P
(5)	General recreation	S	P	S	S	S	S	S	S	S	P	P	P	P	P
(6)	Heavy recreation	—	S	—	—	—	—	—	—	—	—	—	—	—	S
(7)	Institution	S	S	S	S	S	S	S	S	S	S	S	S	S	S
(8)	Neighborhood recreation		P	P	P	P	S	S	S	P	P	P	P	P	P
(9)	Public service/public utility	S	S	S	S	S	S	S	S	S	S	S	S	S	S

—	Use not permitted in this district.
P	Use permitted by right in this district.
S	Use permitted by special exception in this district.
P/1	Use permitted subject to provisions of section 1-53-6.7.
P/2	<u>Use permitted by planned unit development in this district subject to provisions of section 1-53-5. Reserved.</u>
S/2	Mobile home park by special exception in RG-3M district only.
P/3	<u>Reserved. A Minor Community Residential Home must have a minimum separation of 1,000 ft. from another Minor Community Residential Home and shall provide the Planning & Community Development Department with a list and location of all licensed facilities in the County to ensure the 1,000 ft. separation is met.</u>

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P/4	Agriculture uses in the A-3 district are limited to horticulture, floriculture, silviculture, and viticulture.
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1-53-3.2 – 1-53-6 - No Change