

1-53-2.2 **[Definition Added]**

Hobby Farm means the keeping of domestic farm animals and/or the growing of gardens for household use.

1-53-3.9 *Hobby farming use standards.*

(a) *General standards.* Hobby farming is an allowable accessory use to an existing primary residence on parcels zoned RR-M, subject to the following provisions:

- (1) Farm products may be sold from the property, but signs and roadside stands are prohibited.
- (2) Domestic farm animals, for household use only, may be kept on parcels in the RR-M zoning district, provided that the number of animals on a parcel may not exceed the numbers set forth in Table 53-X. The following numeric limits do not apply to animals being raised by children for presentation at a 4-H animal show.

Table 53-X: Domestic Farm Animal Allowances in RR-M		
Animal Category	Maximum number of animals	
	Parcels 1.25 acres or less	Parcels exceeding 1.25 acres
Fowl or Poultry; and	15	30
Goats, Sheep, Hogs, and other small domestic farm animals; and	4	6
Horses, Cows, Donkeys, and other large domestic farm animals	2	3
	Alternative maximum number of animals	
Fowl or Poultry with no other domestic farm animals	30	40
Goats, Sheep, Hogs, and other small domestic farm animals with no other domestic farm animals	6	10
Horses, Cows, Donkeys, and other large domestic farm animals with no other domestic farm animals	3	4

(b) *Special Permit for Domestic Farm Animals.* In order to increase the number, or change the combination options, of domestic farm animal allowances pursuant to Table 53-X, a special permit may be requested subject to the following requirements:

- (1) The application must be submitted to Hendry County on the specified form and shall include:
 - a. A description of the request;
 - b. The total number and type of animals included in the request;
 - c. A site plan showing the facilities required for proper care according to subsection (c) below and a narrative explaining care procedures;

- d. Site photos;
 - e. Proof of ownership or letter of authorization from the property owner and
 - f. Other information deemed necessary by Hendry County staff.
- (2) Criteria for granting or denial of permit. The county shall consider the following criteria in reviewing the application:
- a. The allowance of the additional animals will not create a common law nuisance in respect to odor, noise and health or environmental hazards;
 - b. The allowance of the additional animals will be compatible with surrounding uses; and
 - c. The allowance of the additional animals will meet all applicable setback requirements contained in the Land Development Code.

(3) Notification procedures.

The community development director, upon receipt of an application and fee, shall provide notification of the application as follows:

- a. To persons owning land within 350 feet of the subject property by first class mail.
- b. By posting a notice on the subject property.
- c. The written notice shall clearly state that, unless an objection is filed with the community development director within 15 days from the date of the postmark of the County's notice letter, the director may issue a special permit in accordance with this section.
- d. If a written objection is received, the matter shall be presented to the county commission for final decision at a public hearing. Written notice of the public hearing shall be sent to the person(s) objecting by first class mail no less than ten days prior to the hearing, and notice shall be published in a newspaper of general circulation within the county no less than five days prior to the hearing. Cost of the public hearing notices shall be the responsibility of the applicant.

(4) Appeal to board of county commissioners.

- a. In the event the community development director denies a permit after an application is made hereunder, the applicant may, within 15 days, appeal the denial to the board of county commissioners by completing a form provided by the community development director.
- b. An appeal filed under this section shall be decided by the board of county commissioners after a public hearing in which notice has been sent to each person who has previously received written notice by first class mail no less than ten days prior to the hearing, and such notice has been published in a newspaper of general circulation within the county no less than five days prior to the hearing.

- c. At or after such public hearing, the board of county commissioners may grant a permit to the applicant, grant a permit with conditions or deny the application.
- (5) Documentation with the number of animals born, sold, or acquired must be kept on premises to verify the number of animals on a property meets the permit requirements and shall be provided to the County upon request.
- (6) In cases where a property owner with a special permit violates the requirements of this code, the special permit may be revoked and enforcement action may be taken under Chapter 1-51.
- (7) The special permit is not transferable upon change of ownership.
- (c) *Animal Care.* Notwithstanding any other part of this section, the following shall apply to the keeping of domestic farm animals in the RR-M zoning district:
 - (1) All animals shall be properly confined on the property. Barns or structures for sheltering of domestic farm animals must be set back a minimum of 15 feet from all property lines, except barns or pens containing hogs must be set back a minimum of 25 feet from property lines. All barns, pens, and shelters must be located behind the front corners of the dwelling.
 - (2) All animals shall be fed, watered, and cared for in a humane and proper manner.
 - (3) The keeping of animals under this subsection shall not be done in a manner which creates a common law nuisance.
 - (4) Animal waste shall not be allowed to remain on the premises in amounts which cause a health or environmental hazard.
 - (5) Areas used by large domestic farm animals must be covered with grass at all times.
 - (6) Fowl or poultry may be free ranging with proper fencing designed to contain the animals within the property boundary.
- (d) *Pre-existing hobby farms.* Hobby farms with animals in excess of the limitations in Table 53-X that were established prior to adoption of the regulations contained in section 1-53-3.9, are permitted to continue if a special permit is obtained pursuant to section 1-53-3.9 (b). The pre-existing hobby farms are required to meet all applicable animal care, property maintenance and nuisance standards. The pre-existing status is not transferable upon change of ownership.