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JAMES C. ...
CLERK OF ...
COLLIER COUNTY

ORDINANCE 88- 8

AN AMENDMENT TO ORDINANCE 82-2, THE COMPREHENSIVE ZONING ORDINANCE FOR THE UNINCORPORATED AREA OF COLLIER COUNTY BY AMENDING SECTION 7.9 b.3) (A-2 RURAL AGRICULTURE DISTRICT) BY ADDING PORTABLE ASPHALTIC CONCRETE BATCH PLANTS AS A PERMITTED PROVISIONAL USE; AMENDING SUBSECTION 7.9.c BY ADDING DEVELOPMENT STANDARDS FOR PORTABLE ASPHALTIC CONCRETE BATCH PLANTS; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Portable Asphaltic Concrete batch plants are presently permitted in the Industrial Zoning District and provisionally permitted in the Light Industrial Zoning District; and

WHEREAS, Requiring the said use to be zoned for only industrial purposes may not be in the long term interests of the County and may result in the potential for incompatibilities between land uses; and

WHEREAS, Currently, there is no provision for provisional uses for the said use in the A-2 District; and

WHEREAS, the said use is typically an accessory use to earth mining and excavation which is only permitted in the Agriculture Districts as Provisional Uses.

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

SECTION ONE:

Collier County Ordinance 82-2, Section 7.9, A-2, Rural Agriculture, Subsection 7.9.b.3), Permitted Provisional Uses and Structures, shall be amended as follows:

3) Permitted Provisional Uses and Structures:

- (a) Extraction and related processing and production.
- (b) Earth mining and related processing.
- (c) Churches and places of worship.
- (d) Private landing strips for general aviation.
- (e) Sawmills, provided that no sawmill shall be located closer than 1,000 feet from any County, State or Federal property of highway right-of-way.

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COLLIER COUNTY, FLORIDA

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- (f) Cemeteries
- (g) Sport race tracks and arenas.
- (h) Zoo, aquarium, aviary, botanical garden, or other similar use.
- (i) Communication towers, provided that no communication tower shall be located closer than one-half (1/2) the height of the tower plus ten (10) feet from any County, State or Federal property or highway right-of-way.
- (j) Public, private and parochial school or college having a conventional academic curriculum. (See Section 8.11).
- (k) Hunting cabin, subject to all building codes and permits.
- (l) Child care centers.
- (m) Aquaculture and mariculture.
- (n) Social and fraternal organizations (Subject to Section 8.11).
- (o) Portable Asphaltic Concrete Batch Plants. (See Subsection c.7 for development standards.)

SECTION TWO:

Collier County Ordinance 82-2, Section 7.9, A-2, Rural Agriculture, Subsection 7.9 c., Development Standards, shall be amended by adding a new standard 7) as follows:

c. Development Standards:

- 1) Minimum Lot Area: All permitted uses and special exceptions, unless otherwise specified: 5 acres.
- 2) Minimum Lot Width: One hundred sixty-five (165) feet.
- 3) Minimum Yard Requirement:
 - (a) Front Yard: Fifty (50) feet.
 - (b) Side Yard: Thirty (30) feet.
 - (c) Rear Yard: Fifty (50) feet.
- 4) Maximum Height of Structures: Thirty (30) feet, except for accessory structures such as silos.
- 5) Maximum Density: One dwelling unit per five (5) acres.
- 6) Minimum Floor Area: 550 square feet.

BOOK 029 PAGE 291

7) Standards for Portable Asphaltic Concrete Batch Plants:

The intent of this provisional use is to provide the opportunity to install a Portable Asphaltic Concrete Batch Plant at an approved earth mining site. The installation of said plant at an earth mining site could reduce associated trucking by locating a manufacturing plant adjacent to the sources of raw material. Utilizing an approved earth mining provisional use site for said plant may, at certain locations, be equal in intensity to the current use and, therefore, may not have an adverse impact on the surrounding area. Prior to granting approval of the provisional use, the following standards, at a minimum, shall be met:

- (a) An approved provisional use permit for earth mining with a minimum size of 80 acres.
- (b) A valid County commercial excavation permit.
- (c) All County, State and Federal standards of performance for Portable Asphaltic Concrete Batch Plants shall be met.
- (d) There shall be a height limitation of sixty (60) feet for the plant and ninety (90) feet for material storage silos.
- (e) A site development plan meeting the requirements of Section 10.5 of the Zoning Ordinance shall be submitted at the time of application for Provisional Use.
- (f) Limitations may be placed on the hours of operation to protect the integrity of adjoining land uses where conditions warrant.
- (g) The provisional use parcel for a Portable Asphaltic Concrete Batch Plant shall have a minimum setback of five hundred (500) feet from the boundary line of the earth mining provisional use site.

(h) Any such provisional use granted hereunder shall expire five (5) years after the effective date of approval of the provisional use or upon expiration of the excavation permit or any other required permit whichever occurs first. The provisional use may be renewed following the same procedure as outlined in Section 13.1. of the Zoning Ordinance 82-2. The fee requirements will be waived for this re-application.

(i) All petroleum related products shall be stored above ground and located in a diked impervious cell to safeguard against vertical and horizontal ground contamination.

(j) The source of the majority of the raw materials used in the batch plant shall be the excavation site at which the plant is located as it is the intent of this provisional use that the plant function as an accessory use to on-site excavation.

SECTION THREE:

This Ordinance shall become effective upon notice that it has been received by the Office of the Secretary of State.

DATE: January 19, 1988

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: Arnold Lee Glass
ARNOLD LEE GLASS, CHAIRMAN

CLERK OF COUNTY BOARD OF
ATTORNEY
JAMES C. GILES, CLERK

By Virginia Maguire
D.C.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

R. Bruce Anderson
R. BRUCE ANDERSON
ASSISTANT COLLIER COUNTY ATTORNEY

This ordinance filed with the Secretary of State's Office, the 27th day of Jan, 1988 and acknowledgement of that filing received this 28th day of Jan, 1988
By Louise Chelaris
Deputy Clerk

ZO-87-18C ORDINANCE/KUCK

WORDS UNDERLINED ARE ADDITIONS; WORDS STRUCK-THROUGH-ARE DELETIONS.

STATE OF FLORIDA)
COUNTY OF COLLIER)

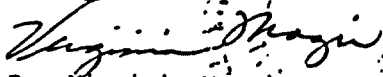
I, JAMES C. GILES, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

Ordinance No. 88-8

which was adopted by the Board of County Commissioners on the 19th day of January, 1988, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 19th day of January, 1988,

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


By: Virginia Magri
Deputy Clerk