

AN ORDINANCE AMENDING ORDINANCE 82-2, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY BY ADDING SUBSECTION 9.13, SPECIAL REGULATIONS FOR THE PROVISION OF OPEN SPACE REQUIREMENTS IN ALL ZONING DISTRICTS; BY AMENDING SUBSECTION 20, DEFINITIONS; TO ADD A DEFINITION OF "OPEN SPACE, USABLE"; BY PROVIDING FOR CONFLICT AND SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the Growth Management Plan adopted by the Board of County Commissioners includes a Recreation and Open Space Element; and

WHEREAS, the requirement of Objective 1.2 of the Recreation and Open Space Element is to protect designated recreation sites and open space from incompatible land uses through development of appropriate design criteria and land use regulation; and

WHEREAS, Policy 1.2.1 of the Recreation and Open Space Element requires the following action to accomplish the objective. By the time mandated for the adoption of land development regulations pursuant to Chapter 163.3202, Florida Statutes, including any amendments thereto, adopt land development regulations outlining specific definitions and standards applying to recreation and open space land provisions for natural reservations and open space.

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

SECTION ONE:

Section 9, Subsection 9.13, Special Regulations for the provision of Open Space requirements in all Zoning Districts, of Ordinance 82-2, the Zoning Ordinance of Collier County, Florida is hereby amended to read as follows:

9.13 Special Regulations for the provision of open space requirements in all Zoning Districts

a. Usable Open Space Requirements:

Usable open space shall include active and passive recreation areas such as playgrounds, golf courses, beach frontage, waterways, lagoons, flood plains, nature trails, and

Words-struck-through are deleted; words underlined are added.

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TALLAHASSEE, FLORIDA

other similar open spaces. Open Space Areas shall also include those areas set aside for preservation of native vegetation and landscaped areas. Open water area beyond the perimeter of the site, street rights-of-way, driveways, off-street parking areas, and off-street loading areas shall not be counted in determining usable open space.

b. Residential Developments:

In residential developments at least sixty (60%) percent of the gross area shall be devoted to usable open space. This requirement shall not apply to individual single family lots less than 2.5 acres in size.

c. Commercial, Industrial and Mixed-Use Developments:

In developments of commercial, industrial and mixed use, including residential, at least thirty (30%) percent of the gross area shall be devoted to usable open space. This requirement shall not apply to individual parcels less than 5 acres in size.

SECTION TWO:

Section 20, Definitions, of Ordinance No. 82-2, the Zoning Ordinance of Collier County, Florida is hereby amended to incorporate the following:

~~Open Space, Usable-That-portion-of-a-lot-or-parcel-which can-be-used-by-the-inhabitants-of-the-property-for outdoor-living,-active-or-passive-activity,-and/or recreation-~~ Active or passive recreation areas such as playgrounds, golf courses, beach frontage, waterways, lagoons, flood plains, nature trails and other similar open spaces. Open space areas shall also include those areas set aside for preservation of native vegetation and landscaped areas. Open water area beyond the perimeter of the site, street right-of-way except where dedicated or donated for public use, driveways, off street parking areas, and off street loading areas shall not be counted in determining usable open space.

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 this 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.

Words ~~struck-through~~ are deleted; words underlined are added.

SECTION FOUR: Effective Date:

This Ordinance shall be come 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 18th day of July, 1989.

DATE: July 18, 1989

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

ATTEST:
JAMES C. GILES, CLERK

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

By Virginia Meyer, DC.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Marjorie M. Student
MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY

ZONING AMENDMENT SUBSECTION 9.13
md

This ordinance filed with the Secretary of State's Office the 18th day of July, 1989 and acknowledgement of that filing received this 18th day of July, 1989.
By Spencer Chesario
Deputy Clerk

Words-struck-through are deleted; words underlined are added.

STATE OF FLORIDA)
COUNTY OF COLLIER)

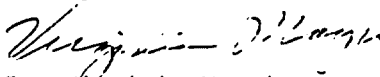
I, JAMES C. GILES, Clerk of Courts in and for the
Twentieth Judicial Circuit, Collier County, Florida, do
hereby certify that the foregoing is a true copy of:

Ordinance No. 89-42

which was adopted by the Board of County Commissioners on the
18th day of July, 1989, during Regular Session.

WITNESS my hand and the official seal of the Board of
County Commissioners of Collier County, Florida, this 20th
day of July, 1989.

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


By: Virginia Magri
Deputy Clerk

