

ORDINANCE 89- 43

AN ORDINANCE AMENDING ORDINANCE NO. 82-2, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA; BY AMENDING SECTION 8.10, ESSENTIAL SERVICES; BY AMENDING SECTION 20, DEFINITIONS, TO ADD DEFINITION OF "SAFETY SERVICE FACILITIES"; PROVIDING FOR CONFLICT AND SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

WHEREAS, The Future Land Use Element of the Growth Management Plan, Policy 3.1 H requires that the availability of suitable land for utility facilities necessary to support proposed development be ensured. For privately provided facilities this shall be accomplished through continued compliance with the Zoning Ordinance which requires the identification and location of all utilities which will serve the development;

WHEREAS, the Collier County Zoning Ordinance addresses the provision of essential services through Section 8.10;

WHEREAS, Section 8.10 needs to be amended to provide for clarity and to identify uses not specifically provided for;

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

SECTION ONE:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated area of Collier County, Florida, Section 8.10 Essential Services shall be amended to read as follows:

8.10 Essential Services. Essential Services are hereby defined as services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers which have been approved and authorized according to laws having appropriate jurisdiction. Essential Services are allowed in any zoning district subject to the following conditions:

- a. Permitted Uses. The following uses shall be deemed permitted uses in any zoning district: water lines, sewer lines, gas lines, telephone lines, cable television lines, electrical transmission and distribution lines, substations, lift stations, ~~individual~~ wells and septic tanks, and similar installations necessary for the performance of these services.

- b. Provisional Uses. The following uses shall be

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

deemed provisional uses in any zoning district: electric or gas generating plants, sewage treatment plants including percolation ponds, hospitals, hospices, sanatoriums, water pumping or water aeration or treatment plants, water storage tanks, government-at-facilities in-residential-areas, governmental facilities in residential areas, communication towers, safety service facilities, and other similar facilities.

- c. Under this subsections a and b, where structures are involved other than structures supporting lines or cables, such structures shall conform-insofar-as comply with the regulations for the district in which they are located or as may be required on an approved site development plan (Section 10.5). In addition, the structures shall conform insofar as possible to the character of the district in which they are located as to development standards as well as architecture and landscaping, with utilization of screening and buffering compatible with the district.
- d. Essential services shall not be deemed to include the erection of structures for commercial activities such as sales or the collection of bills in districts from which such activities would otherwise be barred. Unstaffed billing services, which are accessory uses to the normal operations of the essential service, may be permitted.

SECTION TWO:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 20, Definitions, shall be amended to add the following definition:

Safety Service Facilities - Services that provide protection to County residents and visitors for their health, safety, and welfare such as law enforcement, emergency medical, fire safety, traffic safety, emergency shelters, public safety training facilities, or emergency heliport facilities.

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 phrases 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 become 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 Maguire, Jr.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Marjorie M. Student
MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY

ZONING AMENDMENT SECTION 8.10
md

This ordinance filed with the
Secretary of State's Office, the
27th day of July, 1989
and acknowledgement of that
filing received this 27th day
of July, 1989
By: James Chasovic
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. 89-43

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 25th
day of July, 1989.

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

Virginia Magri

By: Virginia Magri
Deputy Clerk

