

AN ORDINANCE AMENDING COLLIER COUNTY ORDINANCE NO. 82-2, THE COMPREHENSIVE ZONING REGULATIONS OF COLLIER COUNTY; AMENDING SECTION 11, BOARD OF ZONING APPEALS: POWERS, DUTIES AND PROCEDURES, SUBSECTION 11.1(e), PROVISIONAL USES; AMENDING SECTION 13, PROVISIONAL USES, SUBSECTION 13.3, BOARD OF ZONING APPEALS; PROVIDING FOR THE REQUIREMENT OF FOUR AFFIRMATIVE VOTES BY THE BOARD OF ZONING APPEALS FOR THE APPROVAL OF A PROVISIONAL USE PETITION; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

90-2-12-61 RHP
90-2-12-61 RHP

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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FILED

WHEREAS, the rezoning of property within the unincorporated area of Collier County requires four affirmative votes of the Board of County Commissioners; and

WHEREAS, the approval of a provisional use petition by the Board of Zoning Appeals for property within the unincorporated area of Collier County currently requires only three affirmative votes of the Board of Zoning Appeals; and

WHEREAS, the Board of County Commissioners, as the governing board of Collier County and in its capacity as the Board of Zoning Appeals, deems it necessary and appropriate to require four affirmative votes for approval of a provisional use petition as well as a rezone petition;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE:

Collier County Ordinance No. 82-2, the Comprehensive Zoning Regulations of Collier County, Section 11, "Board of Zoning Appeals: Powers, Duties and Procedures", Subsection 11.1(e), "Provisional Uses", is hereby amended to read as follows:

- e. Provisional Uses: To hear and decide provisional uses as authorized under the terms of this Ordinance; to decide such questions as are involved in the determination of when provisional uses should be granted; and to grant provisional uses with appropriate conditions and safeguards or to deny provisional uses when not in harmony with the purpose and intent of this Ordinance.

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

The grant of a provisional use by the Board of Zoning Appeals shall require four affirmative votes of the Board of Zoning Appeals.

In granting any provisional use the Board shall find that such grant will not adversely affect the public interest.

In granting any provisional use the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards when made a part of the terms under which the provisional use is granted shall be deemed a violation of the Ordinance.

The Board may prescribe a reasonable time limit within which the action for which the provisional use is required shall be begun or completed or both.

The Planning Commission shall hear all requests for provisional uses prior to hearing by the Board of Zoning Appeals. The report and recommendations of the Planning Commission shall be advisory only to the Board of Zoning Appeals.

SECTION TWO:

Collier County Ordinance No. 82-2, the Comprehensive Zoning Regulations, Section 13, "Provisional Uses", Subsection 13.3, "Board of Zoning Appeals: Action on Planning Commission Report", is hereby amended to read as follows:

13.3 Board of Zoning Appeals: Action on Planning Commission Report: Upon receipt of the Planning Commission's report and recommendations, the Board of Zoning Appeals shall approve, by resolution, or deny a petition for a provisional use. The approval of a provisional use petition shall require four affirmative votes of said Board.

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.

SECTION FIVE: 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 9th day of January, 1990.

ATTEST:
JAMES C. GILES, Clerk

BOARD OF COUNTY COMMISSIONERS,
COLLIER COUNTY, FLORIDA

[Signature]
JAMES C. GILES, Clerk

BY: *[Signature]*
MAX A. HASSE, JR., CHAIRMAN

Approved as to form and legal sufficiency:

[Signature]
Kenneth B. Cuyler
County Attorney

This ordinance filed with the Secretary of State's Office the 17th day of Jan., 1990 and acknowledgement of that filing received this 19th day of Jan., 1990.

By: *[Signature]*
Deputy Clerk

nb/2420
20-29-29

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Words underlined are additions; Words ~~struck-through~~ are deletions.

STATE OF FLORIDA)
COUNTY OF COLLIER)

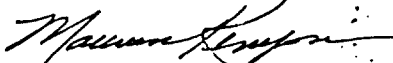
I, JAMES C. GILES, Clerk of Courts in and for the
Twentieth Judicial Circuit, Collier County, Florida, do
hereby certify that the foregoing is a true copy of:

Ordinance No. 90-3

which was adopted by the Board of County Commissioners on
the 9th day of January, 1990, during Regular Session.

WITNESS my hand and the official seal of the Board of
County Commissioners of Collier County, Florida, this 11th
day of January, 1990.

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


By: /s/Maureen Kenyon
Deputy Clerk