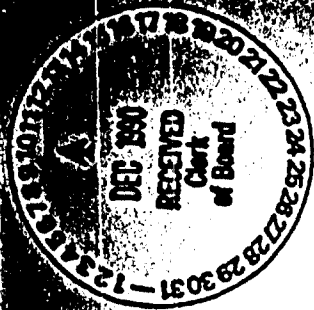


ORDINANCE NO. 90-90



DEC 4 2 40 PM '90

FILED

AN ORDINANCE AMENDING ORDINANCE NO. 82-2, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY AMENDING SECTION 14.2, "NOTICE GENERALLY" TO CHANGE THE TITLE OF THE SECTION TO "NOTICE WHERE ESTABLISHMENT OR AMENDMENT OF A REGULATION AFFECTS THE USE OF LAND," TO CHANGE THE PLANNING COMMISSION NOTICE REQUIREMENTS TO INCLUDE THE ESTABLISHMENT OF REGULATIONS AFFECTING THE USE OF LAND AND TO ADD BOARD OF COUNTY COMMISSION PUBLIC NOTICE AND HEARING REQUIREMENTS PURSUANT TO STATE STATUTE; BY AMENDING SECTION 14.3 "NOTICE WHERE PROPOSED AMENDMENT WOULD CHANGE ZONING CLASSIFICATION OF LAND" TO ADD DEFINITION OF THE TERM "SITE SPECIFIC REZONE," TO CLARIFY NOTICE REQUIREMENTS FOR SITE SPECIFIC REZONES AND TO ADD SEPARATE PUBLIC NOTICE REQUIREMENTS FOR COMPREHENSIVE REZONINGS INVOLVING LESS THAN FIVE PERCENT (5%) OF THE TOTAL LAND AREA OF COLLIER COUNTY AND TO MODIFY NOTICE REQUIREMENTS FOR COMPREHENSIVE REZONINGS INVOLVING FIVE PERCENT (5%) OR MORE OF THE TOTAL LAND AREA OF COLLIER COUNTY TO REFLECT STATE STATUTORY NOTIFICATION REQUIREMENTS; BY PROVIDING FOR CONFLICT AND SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 125.66(6), Florida Statutes, contains public notice requirements for the Board of County Commissioners to consider the establishment or amendment of ordinances affecting the use of land; and

WHEREAS, Section 125.66(5)(a), Florida Statutes, contains public notice requirements for the Board of County Commissioners to consider rezonings of property initiated by the Board which constitute less than five percent of the total land area of Collier County; and

WHEREAS, Section 125.66(5)(b), Florida Statutes, contains public notice requirements for the Board of County Commissioners to consider rezonings of property initiated by the Board which constitute five percent or more of the total land area of Collier County; and

WHEREAS, the Collier County Zoning Ordinance 82-2, as amended, does not provide for the public notice requirements contained in Sections 125.66(5) and 125.66(6), Florida Statutes; and

WHEREAS, the Collier County Zoning Ordinance 82-2, as amended, does not clearly and adequately provide public notice requirements for the Planning Commission to consider and make recommendations on the various types of rezonings and the establishment or amendment of ordinances affecting the use of land; and

WHEREAS, the Board of County Commissioners of Collier County, Florida, finds it beneficial to the public and appropriate to clearly list public notice requirements for the Planning Commission and Board of County Commissioners to consider the various types of rezonings and the establishment or amendment of ordinances affecting the use of land in the unincorporated areas of Collier County, Florida;

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

WHEREAS, Section 125.66 of the Florida Statutes requires public notice requirements for the Board of County Commissioners; SECTION ONE: AMENDMENTS TO SUBSECTION 14.2, NOTICE GENERALLY, OF SECTION 14, AMENDMENTS, OF THE COLLIER COUNTY ZONING ORDINANCE NO. 82-2, AS AMENDED.

Subsection 14.2, Notice Generally, of Section 14, Amendments, of Ordinance 82-2, the Zoning Ordinance of Collier County, Florida, is hereby amended to read as follows:

14.2 Notice Generally Where Establishment or Amendment of a Regulation Affects the Use of Land:

a. Planning Commission:

No request for establishment or amendment of a regulation that affects the use of land may be considered by the Planning Commission until such time as notice of a public hearing on the proposed regulation or amendment thereto has been given to the citizens of

Collier County by the publication of a notice of the hearing in a newspaper of general circulation in the County, at least fifteen (15) days in advance of the public hearing.

b. Board of County Commissioners:

Ordinances or resolutions initiated by the Board of County Commissioners or its designee which do not actually change the zoning designation applicable to a piece of property but do affect the use of land, including, but not limited to, land development regulations as defined in s. 163.3202, Florida Statutes, regardless of the percentage of the total land area of the County actually affected; shall be enacted or amended pursuant to the following procedure:

1) The Board of County Commissioners shall hold two (2) advertised public hearings on the proposed ordinance or resolution. Both hearings shall be held after 5 p.m. on a weekday, and the first shall be held approximately seven (7) days after the day that the first advertisement is published. The second hearing shall be held approximately two (2) weeks after the first hearing and shall be advertised approximately five (5) days prior to the public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

2) The required advertisements shall be no less than one-quarter page in a standard size or a tabloid size newspaper; and the headline in the advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the County and of general interest and readership in the community pursuant to Chapter 50, Florida Statutes; not one of limited subject matter. It is the legislative intent that, whenever possible, the advertisement shall appear in a newspaper that is published at least five (5) days a week unless the only newspaper in the community is published less than five (5) days a week. The advertisement shall be in the following form:

NOTICE OF ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND

The _____ proposes to adopt or change a regulation affecting the use of land for the area shown in the map in this advertisement.

A public hearing on the regulation affecting the use of land will be held on (date and time) at (meeting place) _____.

The advertisement shall contain a brief explanation of the subject matter of the proposed ordinance or resolution and shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance or resolution. The map shall include major street names as a means of identification of the area.

SECTION TWO: AMENDMENTS TO SUBSECTION 14.3, NOTICE WHERE PROPOSED AMENDMENT WOULD CHANGE ZONING CLASSIFICATION OF LAND, SECTION 14, AMENDMENTS, OF THE COLLIER COUNTY ZONING ORDINANCE NO. 82-2, AS AMENDED.

Subsection 14.3, Notice Where Proposed Amendment Would Change Zoning Classification of Land, Section 14, Amendments, of Ordinance 82-2, the Zoning Ordinance of Collier County, Florida, is hereby amended to read as follows:

14.3 Notice Where Proposed Amendment Would Change Zoning Classification of Land:

- a. In addition, in the case of an application for the site-specific rezoning of land, a sign shall be posted at least fifteen (15) days prior to the date of the public hearing by the Planning Commission. The sign to be posted shall measure at least one and one-half (1 1/2) square feet in area and shall contain substantially the following language:

PUBLIC HEARING TO REZONE THIS PROPERTY:

FROM _____ TO _____

TO PERMIT: _____

DATE: _____

TIME: _____

TO BE HELD IN COMMISSIONERS MEETING ROOM, COLLIER COUNTY GOVERNMENT CENTER

The sign shall be erected by the Zoning Director in full view of the public on each street side of the said land to be rezoned. Where the property for which rezoning is sought is landlocked or for some other reason the signs cannot be posted directly on the land to be rezoned, then the sign or signs shall be erected along the nearest street right-of-way, with an attached notation indicating generally the distance and direction to the property for which rezoning is sought. Where large parcels of property are involved with street frontages extending over considerable distance, the Zoning Director shall erect as many signs on a street frontage as may be deemed adequate to inform the public. The posting of signs as provided in this subsection shall only be required where the zoning amendment proposal is specifically directed to changing the zoning classification of a particular parcel of land.

Notice of the time and place of the public hearing by the Planning Commission shall be sent at least fifteen (15) days in advance of the hearing by mail to the owner of the subject property or his designated agent or attorney, if any.

Notice of the time and place of the public hearing by the Planning Commission shall be sent at least fifteen (15) days in advance of the hearing by mail to all owners of property within three hundred (300) feet of the property lines of the land for which rezoning is sought; provided, however, that where the land for which rezoning is sought is part of, or adjacent to, land owned by the same person, the three hundred (300) foot distance shall be measured from the boundaries of the entire ownership, except that notice need not be

mailed to any property owner located more than one-half mile (2,640 feet) from the land for which rezoning is sought. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County. For purposes of this subsection, a site-specific rezoning is defined as an individual rezoning petition, whether initiated by the property owner or the Board of County Commissioners or its designee, which is not in conjunction with a comprehensive rezoning action, such as that provided for in the Zoning Reevaluation Ordinance 90-23 or other Land Development Regulations.

b. In cases in which the proposed comprehensive rezoning (such as may be required by a land development regulation) initiated by the Board of County Commissioners or its designee involves less than five percent (5%) of the total land area of Collier County, public notice shall be provided as follows:

1) Notice of the time and place of the public hearing by the Planning Commission shall be advertised in a newspaper of general circulation in the County at least one time at least fifteen (15) days prior to the date of the public hearing. And, notice of the time and place of the public hearing by the Planning Commission shall be sent at least fifteen (15) days in advance of the hearing, by mail, to the owner of the properties whose land will be rezoned by enactment of the Ordinance, whose address is known by reference to the latest ad valorem tax records.

2) The Board of County Commissioners shall notify by mail each real property owner whose land the Board will rezone by enactment of the Ordinance and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed Ordinance as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance. Such notice shall be given at least thirty (30) days prior to the date set for the public hearing and a copy of such notice shall be kept available for public inspection during the regular business hours of the Office of the Board of County Commissioners. The Board of County Commissioners shall hold a public hearing on the proposed ordinance and may, upon the conclusion of the hearing, immediately adopt the ordinance.

c. In cases in which the proposed comprehensive rezoning (such as may be required by a Land Development Regulation) initiated by the Board of County Commissioners or its designee involves five percent (5%) or more of the total land area of Collier County, the Planning Commission and Board of County Commissioners shall provide for public notice and hearings as follows:

a-1) The Planning Commission and Board of County Commissioners shall each hold two (2) advertised public hearings on the proposed Ordinance. All Both- hearings shall be held after 5 p.m. on a weekday, and the first shall be held approximately seven (7) days after the day that the first advertisement is published. The second hearing shall be held approximately two (2) weeks after the

first hearing and shall be advertised approximately five (5) days prior to the public hearing. The day, time and place at which the second public hearing will be held shall be announced at the first public hearing.

b-2) The required advertisements shall be no less than one-quarter page in a standard size or tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall not be published in a newspaper of general paid circulation in the County and of general interest and readership in the community pursuant to Chapter 50, F.S., not one of limited subject matter. It is the legislative intent that, whenever possible, the advertisement shall appear in a newspaper that is published at least five (5) days per week unless the only newspaper in the community is published less than five (5) days per week. The advertisement shall be in the following form:

NOTICE OF ZONING CHANGE

The (name of local government unit) proposes to rezone the land within the area shown in the map in this advertisement.

A public hearing on the rezoning will be held on (date and time) at (meeting place).

The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance or resolution. The map shall include major street names as a means of identification of the area.

SECTION THREE: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other Ordinance of Collier County and other applicable law, the more restrictive shall apply. If any phrase or portion of the 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 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 27th day of November,
1990.

ATTEST: James C. Giles, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: Max A. Hasse, Jr.
MAX A. HASSE, JR., CHAIRMAN

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Marjorie M. Student
MARJORIE STUDENT
ASSISTANT COUNTY ATTORNEY

ZO-90-19 ZONING ORDINANCE AMENDMENTS

DW/ORD/90-

This ordinance filed with the
Secretary of State's Office the
4th day of Dec., 1990
and acknowledgement of that
filing received this 16th day
of Dec., 1990

By: James Chesam
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

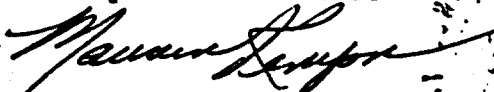
I, JAMES C. GILES, Clerk of Courts in and for the
Twentieth Judicial Circuit, Collier County, Florida, do
hereby certify that the foregoing is a true copy of:

Ordinance No. 90-90

which was adopted by the Board of County Commissioners on
the 27th day of November, 1990, during Special Session.

WITNESS my hand and the official seal of the Board of
County Commissioners of Collier County, Florida, this 30th
day of November, 1990.

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



By: /s/Maureen Kenyon
Deputy Clerk

