

ORDINANCE NO. 99-95

DEC 1999  
RECEIVED  
Clerk  
of Board

AN ORDINANCE AMENDING COLLIER COUNTY ORDINANCE NUMBER 99-46, WHICH AMENDED ORDINANCE NUMBER 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE BY PROVIDING FOR: A SCRIVENERS'S ERROR AMENDMENT OF SECTIONS 3.2.6.2.2 AND 3.2.6.2.3 OF THE LAND DEVELOPMENT CODE; CONFLICT AND SERVERABILITY; INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

WHEREAS, the Collier County Board of County Commissioners approved Ordinance Number 99-46, which amended Ordinance Number 91-102 as amended, and

WHEREAS, the Board of County Commissioners at their public hearing for June 16, 1999 did have in their possession an amendment to Sections 3.2.6.2.2 and 3.2.6.2.3 of the Land Development Code which was further included in the summary sheet listing all of the amendments that were to be covered by Ordinance Number 99-46; and

WHEREAS, the Public Records specifically included the amendment to Sections 3.2.6.2.2 and 3.2.6.2.3 having to do with deleting the requirement for planning commission approval of preliminary subdivision plans; and

WHEREAS, the record reveals that it was clearly the intent of the Board of County Commissioners to adopt the amendment to Sections 3.2.6.2.2 and 3.2.6.2.3, and

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

FILED  
1999 DEC 29 AM 10:34  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

SECTION ONE: SCRIVENERS ERROR AMENDMENT

Ordinance Number 99-46, Subsection 3.G, Amendments to Subdivisions Division, Division 3.2, Subdivisions of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

3.2.6.2.2. Review and recommendation determination of approval, approval with conditions, or denial by development services director. After receipt of a completed preliminary subdivision plat, the development services director shall review and evaluate the preliminary subdivision plat in conformance with the preliminary subdivision plat requirements established in section 3.2.7. Based on the review and evaluation, the development services director shall ~~recommend to the planning commission that it~~ approve, approve with conditions, or deny the preliminary subdivision plat. The decision to approve with conditions, or deny the preliminary subdivision plat may be appealed to the board of county commissioners pursuant to the provisions of section 1.6.6. of this code. ~~The recommendation shall be submitted to the planning commission in writing.~~ If the development services director recommends that the planning commission should deny or place conditions on the preliminary subdivision plat, he shall state in writing reasons for such recommendation of denial or conditions, and shall cite the applicable code or regulatory basis for the conditions or denial. Said determination may be appealed to the county board of commissioners.

Words struck through are deleted; words underlined are added.

3.2.6.2.3. ~~Review and determination by planning commission. Within 30 days after receipt by the planning commission of the development services director's recommendation, and after due notice of the public hearing, the planning commission shall hold a public hearing on the preliminary subdivision plat. At the public hearing, the planning commission shall consider the development services director's recommendation and shall take evidence and testimony in regard to the preliminary subdivision plat requirements set forth in this section and section 3.2.7. The planning commission shall approve, approve with conditions or deny the preliminary subdivision plat. If the planning commission denies or places conditions on the preliminary subdivision plat, it shall state reasons for such denial or conditions.~~

**SECTION TWO: CONFLICT AND SEVERABILITY**

In this 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 THREE: INCLUSION INTO THE COLLIER COUNTY CODE**

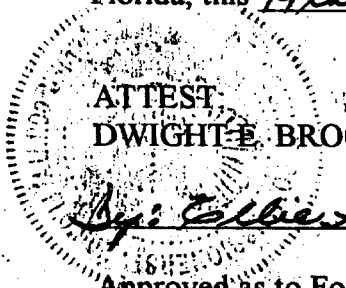
The provisions of this Ordinance shall become and be made a part of the Land Development Code of Collier County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

**SECTION FOUR: EFFECTIVE DATE**

This Ordinance shall become effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County,

Florida, this 14th day of Dec, 1999.



ATTEST  
DWIGHT E. BROCK, Clerk

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

BY: [Signature]

PAMELA S. MAC'KIE, Chairman

Approved as to Form and  
Legal Sufficiency:

Attest as to Chairman's  
signature only.

This ordinance filed with the  
Secretary of State's Office the  
20th day of Dec, 1999

and acknowledgement of that  
filing received this 20th day  
of Dec, 1999

By: [Signature]  
Deputy Clerk

[Signature]  
Marjorie M. Student  
Assistant County Attorney

SCRIVENER'S ERROR ORDINANCE/RN/ta

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, 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. 99-95

Which was adopted by the Board of County Commissioners on the 14th day of December, 1999, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 15th day of December, 1999.

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
1999 DEC 20 AM 10:34

FILED

DWIGHT E. BROCK  
Clerk of Courts and Clerk  
Ex-officio to Board of  
County Commissioners

*Ellie Hoffman*  
By: Ellie Hoffman,  
Deputy Clerk

