

**ORDINANCE NO. 2013 - 68**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NO. 97-82, AS AMENDED, WHICH CREATED THE BAYSHORE BEAUTIFICATION MUNICIPAL SERVICE TAXING UNIT, BY AMENDING SECTION THREE, ENTITLED "PURPOSE AND GOVERNING BODY," TO ALLOW FOR ADDITIONAL RIGHT-OF-WAY IMPROVEMENTS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on December 16, 1997, the Board of County Commissioners (Board) adopted Ordinance 97-82, which created the Bayshore Beautification Municipal Service Taxing Unit (MSTU); and

WHEREAS, the Board subsequently amended Ordinance No. 97-82 through its adoption of Ordinance Nos. 98-15, 98-29, and 2008-20; and

WHEREAS, the Bayshore Beautification Municipal Service Taxing Unit Advisory Committee has recommended amendments to Section Three in order to allow for additional right-of-way improvements within the MSTU; and

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

**SECTION ONE:     AMENDMENT TO SECTION THREE OF ORDINANCE NO, 97-82, AS AMENDED.**

Section Three of Ordinance No. 97-82, as amended, is hereby amended as follows:

**SECTION THREE. Purpose and Governing Body.**

The MSTU is created for the purpose of:

- 1) providing curbing, watering facilities, plantings and maintenance of the ~~median strips~~ rights-of-way of roadways within the MSTU; and
- 2) providing traffic calming improvements, street and pedestrian lighting, ~~and~~ sidewalks,

Words Underlined are added; Words ~~Struck Through~~ are deleted.

driveways and drainage improvements where a health/safety/welfare issue exists or are associated with a beautification project within the MSTU; and

3) identifying the Bayshore community to include directional and way-finding signs, street furniture and associated amenities (benches, trash cans, bicycle racks, informational kiosks, etc.) within the MSTU; and

4) pedestrian and bicycle mobility improvements (multi-modal pathways, boardwalks, scenic pathways, nature walks, enhanced bicycle lanes, enhanced crosswalks and pedestrian bridges associated with such projects; and

3) 5) beautification and maintenance of all other public areas within the MSTU as determined by The Bayshore Beautification MSTU Master Plan and by the Advisory Committee. The governing body of the MSTU shall be the Board of County Commissioners of Collier County, Florida.

## **SECTION TWO: 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 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 THREE: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

The provisions of this Ordinance shall be come and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinances 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 be effective upon filing with the Department of State.

**PASSED AND DULY ADOPTED** by the Board of County Commissioners of Collier County Florida, this 10th day of December, 2013.

ATTEST:  
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

By: [Signature]  
Attest as to Chairman's  
signature only. Deputy Clerk

By: [Signature]  
GEORGIA A. HILLER, ESQ.  
CHAIRWOMAN

Approved as to form and legality:

[Signature]  
Jeffrey A. Klatzkow  
County Attorney

This ordinance filed with the  
Secretary of State's Office the  
16th day of December, 2013  
and acknowledgement of that  
filing received this 16th day  
of December, 2013  
By: [Signature]  
Deputy Clerk

Words Underlined are added; Words ~~Struck-Through~~ are deleted.