



ORDINANCE NO. 2009- 22

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, DECLARING A STATE OF LOCAL ECONOMIC EMERGENCY; TOLLING TO MAY 12, 2011 THE PLANNED UNIT DEVELOPMENT TIME LIMIT AND TIME LIMIT EXTENSION REQUIREMENTS AS FOUND IN SECTION 10.02.13.D OF THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the United States of America, the State of Florida and Collier County are presently experiencing an economic downturn not experienced in the last 30-40 years; and

WHEREAS, individual citizens and families living in the United States, Florida and Collier County are experiencing negative effects from this economic downturn; and

WHEREAS, because of significant revenue decreases at the State and local levels, jobs are being lost, homes are being foreclosed, and services are being cut; and

WHEREAS, Collier County is currently experiencing a dramatic and devastating decline in the residential and commercial development markets that adversely impact the entire local economy; and

WHEREAS, Section 10.02.13.D of the Collier County Land Development Code provides for Planned Unit Development time limit and time limit extension requirements. The local economic emergency has created a situation that is making it impractical, if not impossible, for developers of Planned Unit Developments to complete their projects within the time limits established prior to this period of local emergency. Collier County currently has a very large number of homes that have been approved for development but have not been built and are not anticipated to be built during the period of the local economic emergency; and

WHEREAS, tolling of the Planned Unit Development time limit and time limit extension is necessary to relieve conditions resulting from the local economic emergency; and

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COUNTY CLERK
COLLIER COUNTY, FLORIDA
MAY 12 2009

WHEREAS, because of this emergency, the Board wishes to toll the Planned Unit Development time limit and time limit extension provisions without going through the process of amending the Land Development Code as set forth in Sections 10.02.08.C and 10.02.09 of the Land Development Code.

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

SECTION ONE: Short Title and Recitals.

This Ordinance shall be known as the Collier County Local Economic Emergency Ordinance, and the above findings and recitals are hereby adopted by reference into this Ordinance.

SECTION TWO: Declaration of Local Economic Emergency.

The Collier County Board of County Commissioners, convened in regular session, hereby declares and ordains that a local economic emergency exists within Collier County, Florida, requiring immediate measures to address the emergency before irreversible harm is done to the economic well being of the citizens of the County. This Ordinance is adopted after public hearing pursuant to, and in accordance with, Section 125.66(2), Florida Statutes.

SECTION THREE: Tolling of Land Development Code Section 10.02.13.D.

Section 10.02.13.D of the Collier County Land Development Code provides for Planned Unit Development time limit and time limit extension requirements. These time limit and time limit extension requirements are hereby tolled to May 12, 2011 for Planned Unit Developments which have not sunsetted prior to the effective date of this Ordinance. Prior to May 12, 2011, the Board of County Commissioners will determine if the declaration of Local Economic Emergency should be ended.

SECTION FOUR: 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: Inclusion in the Code of Laws and Ordinances.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances 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 SIX: 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 12th day of May, 2009.

ATTEST:
DWIGHT E. BROCK, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: Julia Polascio
Deputy Clerk
Attest as to Chairman's signature on 12

By: Donna Fiala
DONNA FIALA, Chairman

Approved as to form
and legal sufficiency:

Jeffrey A. Klatzkow
County Attorney

04-COA-01018 1039/4-24-09

This Ordinance filed with the
Secretary of State's Office
14th day of May, 2009
and acknowledgement
filing received this 10th day
of May, 2009.
By: Julia Polascio
Deputy Clerk

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 and correct copy of:

ORDINANCE 2009-22

Which was adopted by the Board of County Commissioners on the 12th day of May, 2009, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 13th day of May, 2009.

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



By: Teresa Polaski,
Deputy Clerk