

ORDINANCE NO. 08-\_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA BY PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP AND MAP SERIES, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Collier County, pursuant to Section 163.3161, et. seq., Florida Statutes, the Florida Local Government Comprehensive Planning and Land Development Regulation Act, was required to prepare and adopt a comprehensive plan; and

WHEREAS, the Collier County Board of County Commissioners adopted the Collier County Growth Management Plan on January 10, 1989; and

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 provides authority for local governments to amend their respective comprehensive plans and outlines certain procedures to amend adopted comprehensive plans pursuant to Sections 163.3184 and 163.3187, Florida Statutes; and

WHEREAS, Dwight Nadeau of RWA, Inc., requested an amendment to the Future Land Use Element and the Future Land Use Map and Map Series to change the Future Land Use Map (FLUM) designation from THE Urban Residential Subdistrict to a new subdistrict entitled the Airport/Orange Blossom Comercial Subdistrict, within the Urban Commercial District, and to make a corresponding text change to allow for up to 40,000 square feet of gross leasable area for financial institutions, professional and medical offices, adult and child day care , personal and business services, and senior housing in the form of an Assisted Living facility and/or continuing care retirement center, or other similar housing for the elderly, consistent with General Office (C-1) Zoning District of the Collier County Land Development Code, for property located on the west side of Airport-Pulling Road (CR 31), 330 feet south of Orange Blossom Drive and immediately south of the Italian American Club, in Section 2, Township 49 South, Range 25 East, Collier County, Florida consisting of 5± acres; and

WHEREAS, Collier County did submit this Growth Management Plan amendment to the Department of Community Affairs for preliminary review on May 12, 2008; and

WHEREAS, the Department of Community Affairs did review the amendment to the Future Land Use Element and Future Land Use Map and Map series, to the Growth Management Plan and transmitted its findings in writing to Collier County within the time provided by law; and

WHEREAS, Collier County has 60 days from receipt of the Objections, Recommendations, and Comments Report from the Department of Community Affairs to adopt, adopt with changes or not adopt the proposed amendment to the Growth Management Plan; and

WHEREAS, the Board of County Commissioners of Collier County did take action in the manner prescribed by law and did hold a public hearing concerning the adoption of this amendment to the Future Land Use Element and Future Land Use Map and Map Series to the Growth Management Plan on September 25, 2008; and

WHEREAS, Collier County has gathered and considered additional information, data and analysis supporting adoption of this amendment, including the following: the Collier County Staff Report; the document entitled Collier County Growth Management Plan amendment, and other documents, testimony and information presented and made a part of the record at the meeting of the Collier County Planning Commission held on August 19, 2008, and the Collier County Board of County Commissioners held on September 25, 2008; and

WHEREAS, all applicable substantive and procedural requirements of law have been met.

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

**SECTION ONE:      ADOPTION OF AMENDMENT TO THE GROWTH MANAGEMENT PLAN**

The Board of County Commissioners hereby adopts this amendment to the Future Land Use Element and Future Land Use Map and Map Series, in accordance with Section 163.3184, Florida Statutes. The text and maps of the amendment are attached hereto as Exhibit "A" and are incorporated by reference herein.

**SECTION TWO:      SEVERABILITY.**

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:      EFFECTIVE DATE.**

The effective date of this amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in

compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a Resolution affirming its effective status, a copy of which Resolution shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oaks Blvd., 3<sup>rd</sup> Floor, Tallahassee, Florida 32399-2100.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

ATTEST:  
DWIGHT E. BROCK, Clerk

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

\_\_\_\_\_

BY: \_\_\_\_\_  
TOM HENNING, CHAIRMAN

Approved as to form and legal sufficiency:

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Marjorie M. Student-Stirling  
Assistant County Attorney