

ORDINANCE NO. 08-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NO. 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA BY PROVIDING FOR AMENDMENTS TO THE CAPITAL IMPROVEMENT ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP AND MAP SERIES, GOLDEN GATE AREA MASTER PLAN, IMMOKALEE AREA MASTER PLAN, AND ESTABLISHING A NEW PUBLIC SCHOOL FACILITIES ELEMENT, 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, Collier County has prepared plan amendments to the Capital Improvement Element, the Intergovernmental Coordination Element, Future Land Use Element and Future Land Use Map and Map Series, Golden Gate Area Master Plan, and the Immokalee Area Master Plan; and

WHEREAS, Collier County has prepared a new element to its Growth Management Plan as follows: Pubic School Facilities Element; and

WHEREAS, Collier County did submit these Growth Management Plan amendments to the Department of Community Affairs for preliminary review on December 14, 2007; and

WHEREAS, the Department of Community Affairs did review the amendments to the Capital Improvement Element, Intergovernmental Coordination Element, and the new Public School Facilities Element 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 amendments to the Growth Management Plan; and

WHEREAS, additional time was needed to allow Collier County to adopt a financially feasible Capital Improvement Element, to await the Objections, Recommendations and Comments (ORC) Report for the cities of Marco Island, Everglades, and Naples, and to coordinate responses to the County's and cities' ORC Reports, including revising the proposed amendments; and

WHEREAS, the Board of County Commissioners of Collier County did take action in the manner prescribed by law and did hold public hearings concerning the adoption of the Capital Improvement Element, Intergovernmental Coordination Element and the new Public School Facilities Element, to the Growth Management Plan on October 14, 2008; and

WHEREAS, Collier County has gathered and considered additional information, data and analysis supporting adoption of these amendments, including the following: the Collier County Staff Report; the documents entitled Collier County Growth Management Plan Amendments, and other documents, testimony and information presented and made a part of the record at the meetings of the Collier County Planning Commission held on August 29, 2008, and the Collier County Board of County Commissioners held on October 14, 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 AMENDMENTS TO THE GROWTH MANAGEMENT PLAN

The Board of County Commissioners hereby adopts amendments to the Capital Improvement Element, Intergovernmental Coordination Element, Future Land Use Element and Map Series, Golden Gate Area Master Plan Element, Immokalee Area Master Plan Element and the new Public School Facilities Element, in accordance with Section 163.3184, Florida Statutes. The text and maps of the amendments 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 these amendments shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendments in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on these amendments may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, these amendments 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., 3rd 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