

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, 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, Incorporated, requested an amendment to re-designate from Rural Fringe Mixed Use District, Sending Lands to Rural Fringe Mixed Use Neutral Lands to allow for the use “facilities for the collection, transfer and processing and reduction of solid waste”, for property located on the east and south sides of Washburn Avenue, east of Naples landfill, in Section 31, Township 49 South, Range 27 East, consisting of 28.7± acres; and

WHEREAS, Collier County did submit this Growth Management Plan amendment to the Department of Community Affairs for preliminary review on January 27, 2010; 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, instead of a redesignation of the land use designation, County Staff proposed and the applicant accepted an amendment to the Rural Fringe Mixed Use District, Sending Lands to add as a conditional use “facilities for resource recovery and the collection, transfer, processing and reduction of solid waste” for property located in the southwest quarter of the southwest quarter of Section 31, Township 49 South, Range 27 East, consisting of 28.7 acres; 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 transmittal and adoption of an amendment to the Future Land Use Element and Future Land Use Map and Map Series, of the Growth Management Plan; 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 meetings of the Collier County Planning Commission held on June 15, 2010 and June 17, 2010, and the Collier County Board of County Commissioners held on July 28, 2010; 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 AN AMENDMENT TO THE GROWTH MANAGEMENT PLAN

The Board of County Commissioners hereby adopts this amendment to the Future Land Use Element, in accordance with Section 163.3184, Florida Statutes. The text of the amendment is 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., 3rd Floor, Tallahassee, Florida 32399-2100.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this _____ day of _____, 2010.

ATTEST:
DWIGHT E. BROCK, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: _____
FRED W. COYLE, CHAIRMAN

Approved as to form and legal sufficiency:

Heidi Ashton-Cicko, Land Use Section Chief
and Assistant County Attorney

H/M/C
7-9-10