

ORDINANCE NO. 10-_____

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 CAPITAL IMPROVEMENT 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, staff initiated its annual amendment to the Capital Improvement Element of the Growth Management Plan consistent with Section 163.3177(3)(b)1., Florida Statutes; and

WHEREAS, Collier County is required to hold a single public hearing before the local governing board to consider amendments to the Capital Improvement Element; 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 Capital Improvement Element of the Growth Management Plan on November 10, 2010; and

WHEREAS, Collier County has gathered and considered additional information, data and analysis supporting adoption of this amendment, including the following: the Collier County Planning Commission Staff Report; the document entitled Collier County Growth Management Plan Capital Improvement Element amendment, the Collier County 2010 Annual Update and Inventory Report on Public Facilities (AUIR), 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 September 20, 2010 and October 21, 2010, and of the Collier County Board of County Commissioners held on November 10, 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 AMENDMENT TO THE GROWTH MANAGEMENT PLAN

The Board of County Commissioners hereby adopts this amendment to the Capital Improvement Element in accordance with Section 163.3184, Florida Statutes. The text and Capital Project components 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 the Administration Commission issues a final order of noncompliance, 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: _____
_____, Deputy Clerk

BY: _____
FRED COYLE, Chairman

Approved as to form
and legal sufficiency:

Heidi Ashton-Cicko
Assistant County Attorney
Land Use Section Chief

Petition CPSP-2010-3 - Capital Improvement Element