

ORDINANCE NO. 10-49

AN ORDINANCE AMENDING ORDINANCE NO. 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN, BY ADOPTING REMEDIAL AMENDMENTS TO THE FUTURE LAND USE ELEMENT, FUTURE LAND USE MAP SERIES, AND THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT; AND BY PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 27, 2004, Collier County adopted an Evaluation and Appraisal Report (EAR) for its Growth Management Plan (GMP) as required by Section 163.3191, Florida Statutes; and

WHEREAS, on January 25, 2007, through the adoption of Ordinance No. 07-07, Collier County adopted the EAR-based amendments to its Growth Management Plan; and

WHEREAS, on May 2, 2007, the Florida Department of Community Affairs (DCA) issued its Notice and Statement of Intent to find certain portions of the County's EAR-based Amendments to the Future Land Use Element and Conservation and Coastal Management Element, Ordinance No. 07-07, "not in compliance" as defined by Section 163.3184(1)(b), Florida Statutes; and

WHEREAS, Florida Wildlife Federation and Collier Audubon Society intervened in these proceedings as Petitioners-in-Intervention, and Buckley Enterprises, Hideout Golf Club, LTD, and John L. Cowan and Jane Ann Cowan, Trustees, intervened in the proceedings as Respondents-in-Intervention; and

WHEREAS, pursuant to Subsection 163.3184(16), Florida Statutes, the DCA, the Collier County Board of County Commissioners, Petitioners-in-Intervention and Respondents-in-Intervention entered into a Compliance Agreement on September 28, 2010 to resolve issues raised in the proceedings; and

WHEREAS, to implement the Compliance Agreement, remedial amendments to the Future Land Use Element, Future Land Use Map Series, and Conservation and Coastal Management Element of the Growth Management Plan have been prepared for consideration by the Collier County Board of County Commissioners; 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 Remedial Amendments to the Growth Management Plan on December 14, 2010; and

WHEREAS, Collier County has gathered and considered additional information, data and analysis supporting adoption of these Remedial Amendments, including the following: the

Collier County Executive Summary; and other documents, testimony and information presented and made a part of the record at the meeting of the Collier County Board of County Commissioners held on December 14, 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 REMEDIAL AMENDMENTS TO THE FUTURE LAND USE ELEMENT, FUTURE LAND USE MAP SERIES, AND CONSERVATION AND COASTAL MANAGEMENT ELEMENT OF THE GROWTH MANAGEMENT PLAN.

The Board of County Commissioners hereby adopts the Remedial Amendments to the Future Land Use Element, Future Land Use Map Series, and Conservation and Coastal Management Element of the Growth Management Plan, 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 Remedial Amendments to the FUTURE LAND USE ELEMENT, FUTURE LAND USE MAP SERIES, AND CONSERVATION AND COASTAL MANAGEMENT ELEMENT shall be the date a final order is issued by the Florida 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 Florida 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 14th day of December, 2010.

ATTEST:
DWAYNE BROCK, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: *Dwayne Brock*

BY: *Fred W. Coyle*

Attest as to Chairman's
signature only.

FRED W. COYLE,
CHAIRMAN

Approved as to form and legal sufficiency:

Steve Williams

Steve Williams,
Assistant County Attorney