

ORDINANCE NO. 2011- _____

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: AMENDMENTS TO THE FUTURE LAND USE ELEMENT, AND FUTURE LAND USE MAP AND MAP SERIES AND THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT SPECIFICALLY TO ADD ACREAGE TO THE URBAN MIXED USE ACTIVITY CENTER #7; TO ALLOW ACCESS TO A BUSINESS PARK SUBDISTRICT THROUGH THE LORD'S WAY; TO INCREASE DENSITY IN THE URBAN RESIDENTIAL FRINGE SUBDISTRICT AND TO ALLOW FOR THE TRANSFER OF NATIVE VEGETATIVE RETENTION FROM THE URBAN AREA TO THE SENDING AREA AND INCREASE THE 60% CAP ON NATIVE VEGETATION IN THE TOTAL PROJECT AREA DESIGNATED AS SENDING AREAS; AND FURTHERMORE RECOMMENDING ADOPTION TRANSMITTAL OF THE AMENDMENTS TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, OR ITS SUCCESSOR, ECONOMIC OPPORTUNITY; 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, David Torres, of Hacienda Lakes of Naples, LLC, Dwight Nadeau, of RWA, Incorporated, and Rich Yovanovich, of Coleman, Yovanovich, and Koester, P.A. requested amendments to the Future Land Use Element and the Future Land Use Map and Map Series, and the Conservation and Coastal Management Element of the Growth Management Plan to reconfigure the boundary and size of the Southeast Quadrant of Mixed Use Activity Center No. 7 (Rattlesnake Hammock Road and Collier Boulevard) to increase the maximum allowable density that may be achieved within the Urban Residential Fringe Subdistrict (URF) portion of a

project lying in more than one Future Land Use designation through enhanced utilization of eligible Transferable Development Rights (TDRs); provide a definitive access provision for a Business Park located in the URF portion of a project; and to allow for native vegetation preservation in the URF portion of a project to be shifted to the Rural Fringe Mixed Use District (RFMUD) Sending lands portion of the project when the required amount of native vegetation preservation proportionally increased in the Sending lands portion of the project as they relate to proposed Hacienda Lakes Development of Regional Impact (DRI) and Mixed Use project Planned Unit Development (MPUD) requests. The property is located in Sections 11,12,13,14,23,24,and 25, Township 50 South, Range 26 East, and Sections 19 and 30, Township 50 South, Range 27 East, consisting of 2,262± acres; and

WHEREAS, Collier County did submit these Growth Management Plan amendments to the Department of Community Affairs for preliminary review on March 31, 2011; and

WHEREAS, the Department of Community Affairs did review the amendments to the Future Land Use Element and Future Land Use Maps and Map Series, and the Conservation and Coastal Management 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, 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 Future Land Use Element and, the Conservation and Coastal Management Element to the Growth Management Plan on September 13, 2011; 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 July 21, 2011, and August 4, 2011, and the Collier County Board of County Commissioners held on September 13, 2011; 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 these amendments to the Future Land Use Element and the Conservation and Coastal Management Plan 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 ____, 2011.

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, Assistant County Attorney
and Land Use Section Chief

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