

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: AN AMENDMENT, SPECIFICALLY AMENDING THE FUTURE LAND USE ELEMENT TO CHANGE THE SQUARE FOOT LIMITATION IN THE VANDERBILT BEACH ROAD NEIGHBORHOOD COMMERCIAL SUBDISTRICT FOR CERTAIN USES AND FURTHERMORE RECOMMENDING TRANSMITTAL OF THE ADOPTION AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, 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, D. Wayne Arnold of Q. Grady Minor and Associates, and Richard D. Yovanovich, Esquire of Coleman, Yovanovich and Koester, P.A. requested an amendment to the Future Land Use Element of the Growth Management Plan, to modify the language of the Vanderbilt Beach Road Neighborhood Commercial Subdistrict to allow for a grocery/supermarket, physical fitness facility, craft/hobby store, home furniture/furnishing store and department store use to exceed the 20,000 square feet limitation for a single commercial use, up to a maximum of 50,000 square feet, for Parcel 1 (9.2± acres, zoned Bradford Square MPUD) only, and with the overall maximum development limitation of 100,000 square feet of commercial land uses on Parcel 1 to remain; the subject portion of the Subdistrict portion of the Subdistrict is located at the northeast corner of Vanderbilt Beach Road and Livingston Road, in Section 31, Township 48 South, Range 26 East; and

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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 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 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 the amendment to the Future Land Use 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.

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SECTION THREE: EFFECTIVE DATE.

The effective date of these amendments shall be the date a final order is issued by the Department of Economic Opportunity 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 Economic Opportunity, 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

DRAFT

, Deputy Clerk

BY: _____
FRED W. COYLE, Chairman

Approved as to form and
legal sufficiency:

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

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