

ORDINANCE NO. 2016-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AMENDING ORDINANCE NO. 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, SPECIFICALLY AMENDING THE FUTURE LAND USE ELEMENT BY REVISING THE HIBISCUS RESIDENTIAL INFILL SUBDISTRICT TO INCREASE THE HEIGHT TO A MAXIMUM OF FOUR STORIES. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF RATTLESNAKE HAMMOCK ROAD AT THE INTERSECTION OF HIBISCUS DRIVE IN SECTION 19, TOWNSHIP 50 SOUTH, RANGE 26 EAST, CONSISTING OF 7.9 ACRES; AND FURTHERMORE, RECOMMENDING TRANSMITTAL OF THE ADOPTED AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. [PL20150002354 / CPSS-2015-2]

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 Community Planning Act of 2011 provides authority for local governments to amend their respective comprehensive plans and outlines certain procedures to amend adopted comprehensive plans; and

WHEREAS, Nassif Golf Ventures LLC requested an amendment to the Future Land Use Element to revise the Hibiscus Residential Infill District; and

WHEREAS, pursuant to Subsection 163.3187(1), Florida Statutes, this amendment is considered a Small Scale Amendment; and

WHEREAS, the Subdistrict property is not located in an area of critical state concern or an area of critical economic concern; and

WHEREAS, the Collier County Planning Commission (CCPC) on February 18, 2016 considered the proposed amendment to the Growth Management Plan and recommended approval of said amendment to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Collier County did take action in the manner prescribed by law and held public hearings concerning the proposed adoption of the

amendment to the Future Land Use Element of the Growth Management Plan on April 26, 2016;
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 small scale amendment to the Future Land Use Element in accordance with Section 163.3184, Florida Statutes. The text amendment is attached hereto as Exhibit "A" and incorporated herein by reference.

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 plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. 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 state land planning agency.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this _____ day of _____, 2016.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

Deputy Clerk

BY: _____
Donna Fiala, Chairwoman

Approved as to form and legality:

Heidi Ashton-Cicko,
Managing Assistant County Attorney

*HIFAL
1/12/16*

Attachment: Exhibit A – Proposed Text Amendment

EXHIBIT A

FUTURE LAND USE ELEMENT

I. URBAN DESIGNATION

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A. Urban Mixed Use District

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17. Hibiscus Residential Infill Subdistrict [Page 46]

The Hibiscus Residential Infill Subdistrict is located on the south side of Rattlesnake Hammock Road, at the intersection of Hibiscus Drive; consists of approximately 7.9 acres; and, comprises Lots 1 and 2, and Tract "R" of the Hibiscus Golf Course Subdivision. The purpose of this Subdistrict is to allow development of up to 64 residential units on this infill property. Buildings shall be limited in height to a maximum of ~~three~~ four stories and the rezoning is encouraged to be in the form of a Planned Unit Development.

1
Words underlined are added; words ~~struck through~~ are deleted.
Row of asterisks (***) denotes break in text.