

ORDINANCE NO. 19- \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN OF THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, RELATING TO THE GOLDEN GATE AREA MASTER PLAN RESTUDY SPECIFICALLY AMENDING THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT; DIRECTING TRANSMITTAL OF THE ADOPTED AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. [PL20180000261]**

WHEREAS, Collier County, pursuant to Section 163.3161, *et. seq.*, Florida Statutes, the Community Planning Act, formerly 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, staff has prepared an amendment to the Conservation and Coastal Management Element of the Growth Management Plan; and

WHEREAS, Collier County transmitted the Growth Management Plan amendment to the Department of Economic Opportunity for preliminary review on March 19, 2019, after public hearings before the Collier County Planning Commission and the Board of County Commissioners; and

WHEREAS, the Department of Economic Opportunity reviewed the amendment to the Growth Management Plan and transmitted its comments in writing to Collier County within the time provided by law; and

WHEREAS, Collier County has 180 days from receipt of the Comments Report from the Department of Economic Opportunity to adopt, adopt with changes or not adopt the proposed amendment to the Growth Management Plan; and

WHEREAS, Collier County has gathered and considered additional information, data and analysis supporting adoption of these amendment, including the following: the Collier County Staff Report, the documents entitled Collier County Growth Management Plan Amendment and other documents, testimony and information presented and made a part of the record at the public

hearings of the Collier County Planning Commission held on July 18, 2019, and the Collier County Board of County Commissioners held on September 24, 2019; and

WHEREAS, all applicable substantive and procedural requirements of the law have been met.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA that:

SECTION ONE: ADOPTION OF AMENDMENT TO THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT OF THE GROWTH MANAGEMENT PLAN

The amendment to the Conservation and Coastal Management Element of the Growth Management Plan, attached hereto as Exhibit "A" and incorporated herein by reference, is hereby adopted in accordance with Section 163.3184, Florida Statutes, and shall be transmitted to the Florida Department of Economic Opportunity.

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 commenced 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 \_\_\_\_\_, 2019.

ATTEST:  
CRYSTAL K. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

\_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
William L. McDaniel, Jr., Chairman

Approved as to form and legality:

\_\_\_\_\_  
Heidi Ashton-Cicko  
Managing Assistant County Attorney

*HFAC  
8-16-19*

Attachment: Exhibit A – Conservation and Coastal Management Element

**EXHIBIT "A"****Conservation and Coastal Management Element**

*(Adopted October 1997, amended through December 12, 2017 by Ordinance no. 2017-48)*

**GOAL 6:** [pg. 16]  
**TO IDENTIFY, PROTECT, CONSERVE AND APPROPRIATELY USE NATIVE VEGETATIVE COMMUNITIES AND WILDLIFE HABITAT.**

**OBJECTIVE 6.1** [pg. 16]  
Protect native vegetative communities through the application of minimum preservation requirements. (The Policies under this Objective apply to all of Collier County except for that portion of the County which is identified on the Countywide Future Land Use Map (FLUM) as the *Rural Lands Stewardship Area Overlay*.)

**Policy 6.1.1** [pg. 16]  
For the County's Urban Designated Area, Estates Designated Area, Conservation Designated Area, and Agricultural/Rural Mixed Use District, Rural-Industrial District and Rural-Settlement Area District as designated on the FLUM, native vegetation shall be preserved through the application of the following minimum preservation and vegetation retention standards and criteria, unless the development occurs within the Area of Critical State Concern (ACSC) where the ACSC standards referenced in the Future Land Use Element shall apply. Notwithstanding the ACSC requirements, this Policy shall apply to all non-agricultural development except for single-family dwelling units situated on individual parcels that are not located within a watershed management conservation area identified in a Watershed Management Plan developed pursuant to Policies supporting Objective 2.1 of this Element. For property in Golden Gate Estates and designated Residential Estates in the Golden Gate Area Master Plan, the subdivision of parcels up to 13 acres in size into single family lots shall be treated as single family dwelling units under the preceding sentence. For properties not previously within the Coastal High Hazard Area but now within the Coastal High Hazard Area due to adoption of a revised Coastal High Hazard Area boundary in 2013, the native vegetation preservation and retention standards of the Non-Coastal High Hazard Area shall continue to apply. (Reference the Coastal High Hazard Area Comparison Map in the Future Land Use Element.)

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