

ORDINANCE NO. 21- _____

AN ORDINANCE AMENDING ORDINANCE 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN OF THE UNINCORPORATED AREA OF COLLIER COUNTY FLORIDA, ADOPTING A COUNTY-INITIATED AMENDMENT TO THE COLLIER COUNTY GROWTH MANAGEMENT PLAN TO CREATE THE PRIVATE PROPERTY RIGHTS ELEMENT AS REQUIRED BY STATE LAW; AND FURTHERMORE DIRECTING TRANSMITTAL OF THE ADOPTED AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. [PL20210001793]

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 Collier County Growth Management Plan to create the Private Property Rights Element as required by state law; and

WHEREAS, Collier County transmitted the Growth Management Plan amendment to the Department of Economic Opportunity for preliminary review on September 24, 2021, 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 this 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 _____, and the Collier County Board of County Commissioners held on _____; and

WHEREAS, all applicable substantive and procedural requirements of the 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 COLLIER COUNTY GROWTH MANAGEMENT PLAN TO CREATE THE PRIVATE PROPERTY RIGHTS ELEMENT

The amendment to the Collier County 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.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this _____ day of _____, 2021.

ATTEST:
CRYSTAL K. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: _____
Deputy Clerk

BY: _____
Penny Taylor, Chairman

Approved as to form and legality:

Heidi Ashton-Cicko
Managing Assistant County Attorney

HIFAL
10-5-21

Attachment: Exhibit A – Private Property Rights Element

EXHIBIT A

PRIVATE PROPERTY RIGHTS ELEMENT

GOAL, OBJECTIVES AND POLICIES

GOAL:
TO ENSURE PRIVATE PROPERTY RIGHTS ARE CONSIDERED IN LOCAL DECISION MAKING.

OBJECTIVE 1:
Collier County will respect judicially acknowledged and constitutionally protected private property rights by considering private property rights in local decision making.

Policy 1.1:
Collier County will support the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy 1.2:
Collier County will support the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

Policy 1.3:
Collier County will support the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

Policy 1.4:
Collier County will support the right of a property owner to dispose of his or her property through sale or gift.