

ORDINANCE NO. 12-_____

AN ORDINANCE AMENDING ORDINANCE NUMBER 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY AMENDING THE RECREATION AND OPEN SPACE ELEMENT TO PROVIDE FOR 2011 EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS TO THE GROWTH MANAGEMENT PLAN; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners adopted the Collier County Growth Management Plan on January 10, 1989; and

WHEREAS, Collier County has held public hearings to provide for and encourage public participation throughout the 2011-12 plan amendment process; and

WHEREAS, Collier County did submit the 2011-12 Growth Management Plan amendments to the Department of Economic Opportunity for preliminary review on May 03, 2012; and

WHEREAS, the Department of Economic Opportunity did review and did not make written objections to the amendments to the Growth Management Plan and transmitted the same 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 Economic Opportunity to adopt, adopt with changes or not adopt the proposed amendments to the Growth Management Plan; and

WHEREAS, the Collier County Planning Commission held a public hearing on the adoption of the amendments to the Growth Management Plan on October 30, 2012; 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 amendments to the Growth Management Plan on December 11, 2012; and

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

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

Words underlined are added; words struck through are additions; words with
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SECTION ONE: ADOPTION OF AMENDMENTS TO THE RECREATION AND OPEN SPACE ELEMENT OF THE GROWTH MANAGEMENT PLAN.

The Board of County Commissioners hereby adopts the amendments to the Recreation and Open Space Element 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 these plan amendments, if the amendments are 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, these amendments 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 these amendments 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 this ____ day of December, 2012.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: _____
 , Deputy Clerk

BY: _____
 FRED W. COYLE, Chairman

Approved as to form and
legal sufficiency:

HAC
11/9/12

Heidi Ashton-Cicko
Managing Assistant County Attorney

Attachment: Exhibit "A"

2011 EAR-BASED ADOPTION- RECREATION AND OPEN SPACE ELEMENT
Rev. 9/24/12

CP\12-CMP-00848\31

Words underlined are added; words struck through are deletions; words with
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Exhibit “A”

INTRODUCTION:

[Revised per DEO Comment, page 1, paragraph 1]

Chapter 163.3177(6)(e), Florida Statutes, requires each local government comprehensive plan to have “A recreation and open space element indicating a comprehensive system of public and private sites for recreation, including, but not limited to, natural reservations, parks and playgrounds, parkways, beaches and public access to beaches, open spaces, and other recreational facilities.” However, Chapter 9J-5.014, Florida Administrative Code, which formerly contained the Florida Department of Community Affairs’ “Minimum Standards” for review of local Recreation and Open Space Elements, has been deleted. Thus, w While the Recreation and Open Space Element remains a requirement for local comprehensive plans in the State of Florida, the format and contents of such an Element may be tailored to local needs, provided that the intent of the Statute is met. This Recreation and Open Space Element was recently updated, as recommended by the Community Character/ Smart Growth Advisory Committee, by Ordinance No. 2003-67, adopted on December 16, 2003, to further implement the Collier County Community Character Plan and “Smart Growth” principles.

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GOAL 1:

[No change to text, page 2]

PROVIDE SUFFICIENT PARKS, RECREATION FACILITIES AND OPEN SPACE AREAS TO MEET THE NEEDS OF RESIDENTS AND VISITORS OF COLLIER COUNTY.

OBJECTIVE 1.1:

[No change to text, page 2]

Continue to ensure that a comprehensive system of parks and recreation facilities is available from among facilities provided by the County, other governmental bodies and the private sector.

Policy 1.1.1:

[Revised text, page 2]

~~Collier County hereby adopts the following level of service standards for facilities and land owned by the County or available to the general public:~~

LEVEL OF SERVICE STANDARD:

A. ~~1.2882 acres of community park land/1,000 population (unincorporated)~~

B. ~~2.9412 acres of regional park land/1,000 population~~

The standards for levels of service (LOS) of County parks and recreation facilities appear in Policy 1.5; subsection “G” in the Capital Improvement Element and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

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Policy 1.1.5: [Policy deleted, page2]
Continue to correct or improve existing parks and recreation facilities deficiencies which are necessary in order to meet the level of service standards.

Policy 1.1.5 6: [Renumbered Policy, page 3]

OBJECTIVE 1.2: [No change to text, page 3]
Protect designated recreation sites and open space from incompatible land uses through development of appropriate design criteria and land use regulations.

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OBJECTIVE 1.3: [No change to text, page 3]
Continue to ensure that all public developed recreational facilities, open space and beaches and public water bodies are accessible to the general public.

Policy 1.3.1: [Revised text, page 3]
County-owned or managed parks and recreation facilities shall have automobile, bicycle and/or pedestrian access, where the location is appropriate and where such access is economically feasible, with specific consideration given to alternative forms of transportation that would reduce VMT and greenhouse gas.

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OBJECTIVE 1.4: [No change to text, page 3]
Continue formal mechanism to improve and coordinate efforts among levels of government and the private sector in order to provide recreational opportunities.

Policy 1.4.1: [Revised text, page 3]
Through the land development review process, Collier County shall continue to encourage developers to provide recreation sites and/or facilities within residential and mixed use Planned Unit Developments (PUDs), where appropriate.

Policy 1.4.2: [Revised text, pages 3, 4]
Collier County shall continue to coordinate the provision of recreational facilities and activities with other governmental jurisdictions that own or operate such facilities and activities within, or adjacent to, Collier County. ~~Said governmental entities shall include, but not necessarily be limited to:~~

- ~~U.S. Department of Commerce, The National Oceanic and Atmospheric Administration~~
- ~~U.S. Department of the Interior, The National Park Service~~
- ~~The Florida Department of Environmental Protection, Division of Recreation and Parks~~
- ~~Florida Department of Agriculture and Consumer Services, Division of Forestry~~
- ~~Lee County, Florida~~
- ~~Hendry County, Florida~~
- ~~Broward County, Florida~~

~~(III) Miami Dade County, Florida
 Monroe County, Florida
 The South Florida Water Management District, Big Cypress Basin Board
 The Collier County School Board
 The City of Naples, Florida
 The City of Marco Island, Florida
 Everglades City, Florida
 The City of Bonita Springs, Florida~~

OBJECTIVE 1.5: [No change to text, page 4]
 Through the PUD monitoring process, Collier County shall continue to enforce developer commitments for the provision of parks, recreation facilities and open space.

Policy 1.5.1: [Revised text, page 4]
 Collier County shall maintain a current inventory of recreational facility and usable open space commitments made by developers through the development review process.

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OBJECTIVE 1.6: [No change to text, page 4]
 Whenever possible and practical, utilize County owned property for recreational uses.

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GOAL 2: [Goal deleted, page 4]
~~THE COUNTY SHALL PROMOTE A NEIGHBORHOOD PARK SYSTEM TO MEET THE RECREATIONAL NEEDS OF RESIDENTS WITHIN THE COUNTY.~~

OBJECTIVE 2.1: [Objective deleted, page 4]
~~By the year 2010, the County Parks and Recreation Department will identify general areas where neighborhoods might request sites for future neighborhood parks.~~

Policy 2.1.1: [Policy deleted, page 4]
~~The Parks and Recreation Department will identify those sites or general areas for neighborhood parks with citizen input to determine the types of recreational facilities particular communities would like to see within their neighborhoods.~~

Policy 2.1.2: [Policy relocated, page 5]
~~The County shall amend the Land Development Code to require the developer of a residential PUD, or a PUD having a residential component, to provide its residents and guests with a suitable neighborhood park, as determined on a case-by-case basis, which is, as required by Policy 5.4 in the Future Land Use Element, compatible with the surrounding development.~~

Policy 2.1.3: [Policy deleted, page 5]
~~New neighborhood parks will be carefully sited and intentionally integrated into existing residential neighborhoods, and shall be designed according to the principles of Crime Prevention Through Environmental Design (CPTED), where these principles are appropriate and economically feasible. Neighborhood parks may also be co-located with churches, schools, or other recreational facilities.~~

Policy 2.1.4: [Policy deleted, page 5]
~~The County shall investigate the utilization of tax credits or other incentives for property owners who wish to dedicate land to the County to meet the recreational needs of neighborhood parks.~~

Policy 2.1.5: [Policy deleted, page 5]
~~The County shall encourage the development of pedestrian pathways and bike lanes from the surrounding residential communities to park sites.~~

GOAL 3: [Renumbered and revised text, page 5]
~~THE COUNTY SHALL DEVELOP A COMMUNITY AND REGIONAL PARK SYSTEM TO PROVIDE USEABLE OPEN SPACE TO MEET THE RECREATIONAL NEEDS OF RESIDENTS WITHIN THE COMMUNITY.~~

GOAL 3.2:
 THE COUNTY SHALL PROMOTE A PARK SYSTEM THAT INCLUDES REGIONAL, COMMUNITY AND NEIGHBORHOOD PARKS WITH PEDESTRIAN PATHWAYS AND BIKE LANES TO PROVIDE USEABLE OPEN SPACE TO MEET THE RECREATIONAL NEEDS OF RESIDENTS WITHIN THE COMMUNITY. REGIONAL AND COMMUNITY PARK DEVELOPMENT WILL BE BASED ON THE LEVEL OF SERVICE STANDARD (LOSS) CONTAINED IN THE CIE.

OBJECTIVE 3.2.1: [Renumbered and revised text, page 5]
 By the year ~~2010~~ In 2011, the Parks and Recreation Department ~~will developed~~ a Community and Regional Park Plan to provide larger parks and recreational facilities as well as passive open space within a 15 to 20 minute drive of residents within the coastal Urban Designated Area, the Immokalee Urban Designated Area, and Northern Golden Gate Estates (this excludes Conservation designated areas, Agricultural/Rural designated areas, Southern Golden Gate Estates, and the outlying Urban Designated Areas of Copeland, Port of the Islands, Plantation Island and Chokoloskee). This plan ~~will include~~s the identification of future community and regional park sites (or general areas), park improvements, cost estimates, and potential funding sources. The principles of Crime Prevention Through Environmental Design (CPTED) will be integrated into the planning and development of the Community and Regional Park sites.

Policy 3.2.1.1: [Renumbered text, page 5]

Policy 3.2.1.2: [Renumbered text, page 6]

Policy 3.2.1.3: [Renumbered text, page 6]

Policy 3.2.1.4: [Renumbered and revised text, page 6]

The County shall continue to update parks and recreation impact fees to ~~keep pace with increased~~ appropriately reflect land acquisition and development costs for the establishment of community and regional parks.

Policy ~~3~~ 2.1.5:

[Renumbered text, page 6]

Policy ~~3~~ 2.1.6:

[Renumbered text, page 6]

Policy ~~3~~ 2.1.7:

[Renumbered and revised text, page 6]

~~By the year 2010, †~~ The Parks and Recreation Department and the Transportation Services Division will continue to investigate the utilization of the existing canal and power line easements to create a greenway system within the coastal Urban Designated Area, the Immokalee Urban Designated Area, and Northern Golden Gate Estates ~~(this excludes Conservation designated areas, Agricultural/Rural designated areas, Southern Golden Gate Estates, and the outlying Urban designated areas of Copeland, Port of the Islands, Plantation Island and Chokoloskee), as detailed in the adopted Community and Regional Parks Master Plan.~~