

ORDINANCE NO. 13- 13

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
2013 JAN 17 PM 2:59
FILED

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 INTERGOVERNMENTAL COORDINATION 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 January 8, 2013; 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:

Words underlined are added; words struck through are additions; words with *** indicates a page break

SECTION ONE: ADOPTION OF AMENDMENTS TO THE INTERGOVERNMENTAL COORDINATION ELEMENT OF THE GROWTH MANAGEMENT PLAN.

The Board of County Commissioners hereby adopts the amendments to the Intergovernmental Coordination 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.

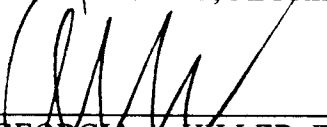
The effective date of these plan amendments, if the amendments are not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, these amendments shall become effective on the date the state 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 9th day of January, 2013.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 
Deputy Clerk
Attest as to Chairwoman's signature on...

BY: 
GEORGIA A. HILLER, ESQ.
Chairwoman

Approved as to form and legal sufficiency:

Heidi A Cicko HFA
Heidi Ashton-Cicko 12/14/12
Managing Assistant County Attorney

Attachment: Exhibit "A"

2011 EAR-BASED ADOPTION - INTERGOVERNMENTAL COORDINATION ELEMENT
Rev. 12/13/12

CP\12-CMP-00848\95

This ordinance filed with the
Secretary of State's Office the
17th day of January 2013
and acknowledgement of that
filing received this 25th day
of January 2013
By [Signature]
Deputy Clerk

Exhibit "A"

As approved by CCPC on 10-30-12

EAR-based GMP Amendments Intergovernmental Coordination Element – to BCC for Adoption

12-11-12

GOAL:

[Revised text, page 3]

~~PROVIDE FOR THE CONTINUAL EXCHANGE OF INFORMATION AND THE USE OF ANY INTERGOVERNMENTAL COORDINATION MECHANISMS WITH BROWARD, MIAMI DADE, HENDRY, LEE AND MONROE COUNTIES, CITIES OF BONITA SPRINGS, EVERGLADES, MARCO ISLAND, AND NAPLES, THE DISTRICT SCHOOL BOARD OF COLLIER COUNTY, SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL, AND ANY OTHER LOCAL, STATE, OR FEDERAL AGENCY OR GOVERNMENTAL ENTITY, AND UTILITY COMPANIES SUCH AS BUT NOT LIMITED TO FLORIDA POWER AND LIGHT, LEE COUNTY ELECTRIC COOPERATIVE, SPRINT/UNITED TELEPHONE, IMMOKALEE WATER AND SEWER DISTRICT, PELICAN BAY SERVICES DIVISION (MSTU), FLORIDA GOVERNMENTAL UTILITY AUTHORITY, COMCAST, AND CABLEVISION INDUSTRIES, THAT MAY BE IMPACTED BY COLLIER COUNTY'S LAND, ROAD OR FACILITY PLANNING, TO RESOLVE DIFFERENCES AND TO ACHIEVE COMPATIBLE AND COORDINATED PLANS.~~

COLLIER COUNTY WILL MAINTAIN OR ENHANCE THE LEVEL OF COORDINATION AND COOPERATION AMONG THE VARIOUS GOVERNMENTS, AUTHORITIES AND AGENCIES MAKING DECISIONS AFFECTING NATURAL RESOURCES, HOUSING, HISTORIC AND ARCHAEOLOGICAL RESOURCES, PUBLIC FACILITIES, AND PUBLIC SERVICES WITHIN AND AROUND COLLIER COUNTY, TO RESOLVE DIFFERENCES AND TO ACHIEVE COMPATIBLE AND COORDINATED PLANS.

OBJECTIVE 1:

[Revised text, page 3]

Collier County (County) shall continue to establish and maintain intergovernmental communication and level of service coordination mechanisms to be used by the County, Everglades City, the City of Marco Island, the City of Naples, and the City of Bonita Springs, adjacent Lee County, Hendry County, Broward County, Dade County, Monroe County, the District School Board of Collier County School Board, the State of Florida, the Florida Department of Environmental Protection, Florida Department of Transportation, and South Florida Water Management District, and any other entity that provides a service but may not have land use authority.

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Policy 1.2:

[Revised text, page 3]

The Collier County Comprehensive Planning ~~Department~~ Section shall be the designated liaison to disseminate information on proposed Growth Management Plan amendments under review by the County, which have the potential to affect any of the entities listed in Objective 1.

Policy 1.3:

[Revised text, page 3]

The Collier County Comprehensive Planning ~~Department~~ Section shall continue to prepare and review the Annual Update and Inventory Report (AUIR) as an annual level of service monitoring report for the capital facilities included within the Growth Management Plan. The purpose of this report is to provide the affected entities with the necessary information to evaluate and coordinate level of service standards.

Words underlined are added; words ~~struck through~~ are deleted.

Exhibit "A"

As approved by CCPC on 10-30-12

EAR-based GMP Amendments Intergovernmental Coordination Element – to BCC for Adoption

12-11-12

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OBJECTIVE 2: [Rephrased to improve format as an "objective", page 3]
The County shall e Coordinate its County land use planning strategy, including an assessment of proposed development, with that of other governmental and private entities.

Policy 2.1: [Revised text, page 4]
Collier County will continue to identify, develop, and pursue areas where intergovernmental land use planning and level of service agreements are needed between the County and respective appropriate governmental or private entities.

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Policy 2.6: [Revised text, page 4]
The County shall continue to coordinate with The District School Board of Collier County for collaborative planning and decision making on population projections, the public school site selection for new public educational and ancillary facilities, and the location and extension of public facilities subject to concurrency, to support existing and proposed public educational facilities in accordance with the general Interlocal Agreement adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners, and as subsequently amended and restated, with an effective date of December 2008, and the School Board Review (SBR) Interlocal Agreement adopted on May 15, 2003 by the Collier County School Board and on May 27, by the Board of County Commissioners.

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Policy 2.8: [Revised text, page 4]
The County shall coordinate with the South Florida Water Management District and other regulatory agencies in implementing the Growth Management Plan.

Policy 2.9: [Revised text, page 4]
The County shall continue to coordinate with The District School Board of Collier County for the regulatory review of residential development for school concurrency in accordance with Section 163.3180(13) Florida Statutes.

OBJECTIVE 3: [Rephrased to improve format as an "objective", page 5]
Collier County shall d Develop procedures to identify and implement joint planning areas for the purposes of municipal annexation, municipal incorporation and joint infrastructure services areas.

Words underlined are added; words struck through are deleted.

Exhibit "A"

As approved by CCPC on 10-30-12

EAR-based GMP Amendments Intergovernmental Coordination Element – to BCC for Adoption

12-11-12

Policy 3.1

[Revised text, page 5]

[Revised further per DEO Comment]

Based upon ~~Section 9J-5.015 (3)(e) 4., Florida Administrative Code~~ Section 163.3177(h), Florida Statutes, Collier County shall work with the local municipalities to identify and implement joint planning areas and/or joint infrastructure service areas for the purpose of planning for potential future municipal annexation of such areas. The identified joint planning areas and/or joint infrastructure service areas shall be depicted on the County's Future Land Use Map series.

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2013-13

which was adopted by the Board of County Commissioners on the 9th day of January, 2013, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 14th day of January, 2013.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



By: Ann Jennejohn,
Deputy Clerk