

ORDINANCE NO. 13- 03

**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 CAPTIAL IMPROVEMENT 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.**

FILED  
2013 JAN 17 PM 2:56  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

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:

SECTION ONE: ADOPTION OF AMENDMENTS TO THE CAPITAL IMPROVEMENT ELEMENT OF THE GROWTH MANAGEMENT PLAN.

The Board of County Commissioners hereby adopts the amendments to the Capital Improvement 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 9<sup>th</sup> day of January, 2013.

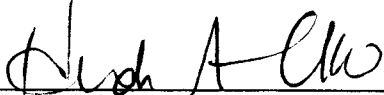
ATTEST:  
DWIGHT E. BROCK, CLERK

By: *Dwight E. Brock*  
Deputy Clerk  
Attest as to Chairman's  
signature only.

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

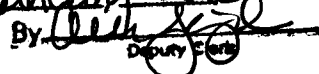
BY: *Georgia A. Hiller*  
GEORGIA A. HILLER, ESQ.  
Chairwoman

Approved as to form and legal sufficiency:

  
Heidi Ashton-Cicko  
Managing Assistant County Attorney

HFAK  
12/14/12

Attachment: Exhibit "A"

This ordinance filed with the  
Secretary of State's Office the  
17 day of January, 2013  
and acknowledgement of that  
filing received this 22 day  
of January, 2013  
By   
Deputy Clerk

2011 EAR-BASED ADOPTION - CAPITAL IMPROVEMENT ELEMENT  
Rev. 12/13/12

CP\12-CMP-00848\85

Exhibit "A"

As approved by CCPC on 10-30-12

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**I. INTRODUCTION**

[Revised per DEO Comment, page 1]

In 1985 and 1986, the Florida Legislature significantly strengthened the requirements for county and city comprehensive plans. These growth management statutes were found in the "Local Government Comprehensive Planning and Land Development Regulation Act" until major changes were made by the 2011 Florida Legislature, most by HB 7207 (with minor amendments by HB 639), which is now Chapter 2011-139, Laws of Florida. Included with these changes was to re-name the Chapter 163 act from the "Local Government Comprehensive Planning and Land Development Regulation Act" to the "Community Planning Act", giving new emphasis to the role of local government. One of the provisions of the ~~Local Government Comprehensive Planning and Land Development Regulation~~ Community Planning Act is the requirement that the comprehensive plan must contain a Capital Improvement Element "...to consider the need for and the location of public facilities..." (Section 163.3177(3), Florida Statutes).

The Capital Improvement Element (CIE) must identify public facilities that will be required during the next five years, including the cost of the facilities, and the sources of revenue that will be used to fund the facilities.

One of the specific requirements of the legislation states that the public facilities that are contained in the CIE must be based on "standards to ensure the availability of public facilities and the adequacy of those facilities including to meet established acceptable levels of service." ~~The administrative regulation that implements the statutes defines the phrase "level of service" as "...an indicator of the extent or degree of service provided by ... a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility."~~ (Section ~~9J-5.003 (62)~~, ~~Florida Administrative Code~~) (Section 163.3164(28), Florida Statutes).

**II. CAPITAL IMPROVEMENT GOALS, OBJECTIVES AND POLICIES**

[Revised text, page 2]

**GOAL:**

TO PROVIDE ADEQUATE PUBLIC FACILITIES CONCURRENT WITH NEW DEVELOPMENT IN ORDER TO ACHIEVE AND MAINTAIN OR EXCEED ADOPTED STANDARDS FOR LEVELS OF SERVICE.

**OBJECTIVE 1 (PUBLIC FACILITY LEVEL OF SERVICE STANDARDS):**

Identify and define types of public facilities, establish standards for levels of service for each such public facility, and determine what quantity of additional public facilities is needed in order to achieve and maintain the standards.

**Policy 1.1:**

[Revised text, page 2]

The County shall establish standards for levels of service for public facilities, as follows:

Public facilities are facilities which appear in other elements of this comprehensive plan, including arterial and collector roads, ~~surface water~~ stormwater management systems, potable water systems, ~~sanitary sewer~~ wastewater treatment systems, solid waste disposal facilities,

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park~~s~~ and recreation facilities, and public school facilities. The standards for levels of service of County provided public facilities shall apply to development orders issued by the County, to the County's annual budget, and to the appropriate individual element of this comprehensive plan. The standards for levels of service of public facilities which are not County provided shall apply to development orders issued by the County and to the appropriate individual element of this comprehensive plan, but shall not apply to the County's annual budget.

Public facilities shall include land, structures, the initial furnishings and equipment, design, permitting, and construction costs. Other "capital" costs, such as motor vehicles and motorized equipment, computers and office equipment, office furnishings, and small tools are considered in the County's annual budget, but such items are not "public facilities" for the purposes of the Growth Management Plan, or the issuance of development orders.

**Policy 1.2:**

[Revised text, page 2]

The quantity of public facilities that is needed to eliminate existing deficiencies and to meet the needs of future growth shall be determined for each public facility by the following calculation:

$$Q = (S \times D) - I.$$

Where: "Q" is the quantity of public facility needed,  
"S" is the standard for level of service,  
"D" is the demand, such as the population, and  
"I" is the inventory of existing facilities.

- A. The calculation will be used for existing demand in order to determine existing deficiencies. The calculation will be used for projected demand in order to determine needs of future growth. The estimates of projected demand will account for demand that is likely to occur from previously issued development orders as well as future growth.
- B. The Board of County Commissioners shall review all rezone petitions, SRA designation applications, conditional use petitions, and proposed amendments to the Future Land Use Element (FLUE), Golden Gate Area Master Plan (GGAMP) or Immokalee Area Master Plan (IAMP) affecting the overall countywide density or intensity of permissible development, with consideration of their impact on both the variable "D" in the formula  $Q = (S \times D) - I$ , and the overall County transportation system. The Board shall not approve any such petition or application which would directly access a deficient roadway segment or if it impacts an adjacent roadway segment that is deficient, or which significantly impacts either: (1) a deficient roadway segment or adjacent roadway segment; or (2) the seasonal population based upon the Bureau of Economic and Business Research at the University of Florida (BEBR) medium range growth rate population projections, for all public facilities, for the variable "D", unless one of the three items listed below simultaneously occurs:
  - (a) 1. Specific mitigating stipulations are approved in conjunction with the rezone or SRA designation resolution, conditional use petition, or FLUE amendment, to restore or maintain the Level of Service on the impacted roadway segment;

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- (b)2. The adopted population standard used for calculation of "Q" in the formula  $Q = (S \times D) - I$  is amended based on appropriate relevant, appropriate and professionally accepted data and analysis; or,
- (e)3. The Schedule of Capital Improvements is updated to include any necessary projects that would support the additional public facility demand(s) created by the rezone, SRA designation resolution, conditional use petition, or amendment to the Future Land Use Element.
- C. Significant impact is hereby defined for Section B of this Policy as, an impact generating potential for increased countywide population greater than 2% of the population projections for parks, solid waste disposal, potable water, ~~sanitary sewer~~ wastewater treatment, and ~~drainage~~ stormwater management facilities, or as generating a volume of traffic equal to or greater than 2% of the adopted LOS standard service volume of an impacted roadway.
- D. There are three circumstances in which the standards for levels of service are not the exclusive determinant of need for a public facility:
1. Calculated needs for public facilities in coastal high hazard areas are subject to all limitations and conditions in the Conservation and Coastal Management Element and Future Land Use Elements of this Growth Management Plan.
  2. Replacement of obsolete or worn out facilities, and repair, remodeling and renovation, will be determined by the Board of County Commissioners upon the recommendation of the County Manager.
  3. Public facilities that provide levels of service in excess of the standards adopted in this Growth Management Plan may be constructed or acquired at any time as long as the following conditions are met:
    - a. the facility does not make financially unfeasible any public facility of the same type that is needed to achieve or maintain the standards for levels of service adopted in this Growth Management Plan, and
    - b. the facility does not contradict, limit or substantially change the goals, objectives and policies of any element of this Growth Management Plan.

Any public facility that is determined to be needed as a result of any of the factors listed in Section B or Section D of this Policy shall be included in the regular Schedule of Capital Improvements contained in this Capital Improvement Element. All capital improvement projects for such public facilities shall be approved in the same manner as the projects that are identified according to the quantitative analysis described in Section A of this Policy. Population definitions as used in this Capital Improvement Element and other elements are provided below.

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Permanent Population is the population projection figure based on Bureau of Economic and Business Research at the University of Florida (BEBR) medium range growth rate population projections. The population projection figure is then converted from April 1 to October 1, which is the beginning of the fiscal year for Collier County.

Seasonal Population is the BEBR population figure (described above) converted to its October 1 figure, increased by 20% for all areas of the County to reflect the increase of seasonal part-time residents and visitors.

Unincorporated Area Seasonal Population is the seasonal population figure (described above) for unincorporated Collier County only, adjusted to represent how seasonal residents utilize certain park facilities differently.

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**Policy 1.4:**

[Revised text, pages 4, 5]

Public facility improvements are to be considered in the following order or priority:

- A. Replacement of obsolete or worn out facilities, including repair, remodeling and renovation of facilities that contribute to achieving or maintaining levels of service.
- B. New facilities that reduce or eliminate existing deficiencies in levels of service.
- C. New facilities that provide the adopted levels of service for new growth during the next five fiscal years, as updated by the annual review of this Capital Improvement Element. In the event that the planned capacity of public facilities is insufficient to serve all applicants for development orders, the capital improvements will be scheduled in the following priority order to serve:
  - 1. previously approved development orders permitting redevelopment,
  - 2. previously approved development orders permitting new development,
  - 3. new development orders permitting redevelopment, and
  - 4. new development orders permitting new developments.
- D. Improvements to existing facilities, and new facilities that significantly reduce the operating cost of providing a service or facility.
- E. New facilities that exceed the adopted levels of service for new growth during the next five fiscal years by either:
  - 1. providing excess public facility capacity that may be needed by future growth beyond the next five fiscal years, or
  - 2. providing higher quality public facilities than are contemplated in the County's normal design criteria for such facilities.

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When further considering projects prioritized by this order, the higher priority shall be assigned to improvements designed to reduce, or not increase, greenhouse gas emissions through shortened vehicular trip lengths, trips taken by another mode of transportation, or by other substantive means.

**Policy 1.5:**

[Revised text, pages 5, 6, 7]

[Revised further per FDOT Comment]

The standards for levels of service of public facilities shall be as follows:

A. Roadways:

1. Arterials and collector roads: Level of Service indicated below on the basis of peak hour, traffic volume:

Level of Service "E" on all six-lane roads:

2. Level of Service "D" peak hour on all other County ~~and~~ or State arterial and collector roads not on the ~~Florida Intrastate Highway System (FIHS)~~ Strategic Intermodal System (SIS).

B. State and Federal Roads:

Collier County sets and adopts the LOS standards for state roads ~~with the exception of those on the Florida Intrastate Highway System (FIHS). In Collier County, FDOT sets and maintains the LOS~~ and for I-75. The standards for I-75 are as follows:

EXISTING  
RURAL AREA  
I-75 ~~B~~ D

EXISTING  
URBANIZED AREA  
~~C~~ D

TRANSITIONING  
URBANIZED AREA  
~~C~~ D

C. County ~~Surface Water~~ Stormwater Management Systems:

[Revised text, page 5]

[Revised further per SFWMD Comment]

1. Future "private" developments - water quantity and quality standards as specified in Collier County Ordinances 74-50, ~~and~~ 90-10, and 2001-27, and Land Development Code Ordinance 2004-41, as amended.
2. Existing "private" developments and existing or future public ~~drainage~~ stormwater management facilities - those existing levels of service identified (by design storm return frequency event) by the completed portions of the Water Management Master Plan as ~~listed in the Drainage/Water Stormwater Management Sub-Element of the Public Facilities Element.~~ follows:

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LEVELS OF SERVICE ATTAINED BY BASINS

<u>BASIN</u>	<u>LEVEL OF SERVICE</u>
<u>MAIN GOLDEN GATE SYSTEM</u>	
<u>Main Golden Gate Canal Basin</u>	<u>D</u>
<u>Cypress Canal Basin</u>	<u>D</u>
<u>Harvey Canal Basin</u>	<u>D</u>
<u>I-75 Canal Basin</u>	<u>D</u>
<u>Green Canal Basin</u>	<u>C</u>
<u>Airport Road Canal South Basin</u>	<u>D</u>
<u>Corkscrew Canal Basin</u>	<u>D</u>
<u>Orange Tree Canal Basin</u>	<u>D</u>
<u>951 Canal Central Basin</u>	<u>C</u>
<u>DISTRICT NO. 6 SYSTEM</u>	
<u>Rock Creek Basin</u>	<u>D</u>
<u>C-4 Canal Basin</u>	<u>C</u>
<u>Lely Main Canal Basin</u>	<u>D</u>
<u>Lely Canal Branch Basin</u>	<u>D</u>
<u>Lely Manor Canal Basin</u>	<u>D</u>
<u>Haldeman Creek Basin</u>	<u>D</u>
<u>Winter Park Outlet Basin</u>	<u>D</u>
<u>COCOHATCHEE RIVER SYSTEM</u>	
<u>Cocohatchee River Basin</u>	<u>D</u>
<u>Pine Ridge Canal Basin</u>	<u>C</u>
<u>Palm River Canal Basin</u>	<u>D</u>
<u>West Branch Cocohatchee River Basin</u>	<u>C</u>
<u>East Branch Cocohatchee River Basin</u>	<u>D</u>
<u>Airport Road Canal North Basin</u>	<u>D</u>
<u>951 Canal North Basin</u>	<u>D</u>
<u>GORDON RIVER EXTENSION</u>	
<u>Gordon River Extension Basin</u>	<u>D</u>
<u>Goodlette-Frank Road Ditch Basin</u>	<u>D</u>
<u>HENDERSON CREEK BASIN</u>	
<u>Henderson Creek Basin</u>	<u>D</u>

LEVELS OF SERVICE ATTAINED BY BASINS

<u>BASIN</u>	<u>LEVEL OF SERVICE</u>
<u>FAKA-UNION SYSTEM</u>	
<u>Faka-Union Canal Basin</u>	<u>D</u>
<u>Miller Canal Basin</u>	<u>D</u>
<u>Merritt Canal Basin</u>	<u>C</u>
<u>Prairie Canal Basin</u>	<u>C</u>
<u>SOUTHERN COASTAL BASIN</u>	
<u>US-41 Outfall Swale No. 1 Basin</u>	<u>D</u>
<u>US-41 Outfall Swale No. 2 Basin</u>	<u>D</u>
<u>Seminole Park Outlet Basin</u>	<u>C</u>

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BARRON RIVER SYSTEM

Okaloacoochee Slough Basin

D

Barron River Canal North Basin

C

Urban Immokalee Basin

C

MISCELLANEOUS INTERIOR WETLAND SYSTEMS

Corkscrew Slough Basin

D

D. County Potable Water Systems:

[Revised text, page 6]

~~1. County systems:~~

~~County Water District = 170 gallons per capita per day~~

~~2. Municipal systems:~~

~~City of Naples = 185 gallons per capita per day in the unincorporated service area~~

~~Everglades City = 185 gallons per capita per day in the unincorporated service area~~

~~3. Private potable water systems / Independent district systems:~~

~~Water flow design standards as identified in Policy 3.1 of the Potable Water Sub-Element of this Growth Management Plan.~~

~~Orangetree Utilities = 100 gallons per capita per day~~

~~Immokalee Water and Sewer District = 105 gallons per capita per day~~

~~Florida Governmental Utility Authority = 109 gallons per capita per day~~

~~Ave Maria = 110 gallons per capita per day within service area~~

E. County Sanitary Sewer– Wastewater Treatment Systems:

[Revised text, page 6]

~~1. County systems:~~

~~North Sewer Service Area = 120 gallons per capita per day~~

~~South Sewer Service Area = 100 gallons per capita per day~~

~~Southeast Sewer Service Area = 120 gallons per capita per day~~

~~Northeast Sewer Service Area = 120 gallons per capita per day~~

~~2. Municipal systems:~~

~~City of Naples = 145 gallons per capita per day in the unincorporated service area~~

~~Everglades City = 100 gallons per capita per day~~

~~3. Private sanitary sewer– wastewater treatment systems:~~

~~Sewage flow design standards as identified in Policy 2.1 of the Sanitary Sewer Sub-Element of this Growth Management Plan.~~

~~Orangetree Utilities = 100 gallons per capita per day~~

~~Immokalee Water and Sewer District = 100 gallons per capita per day~~

~~Florida Governmental Utility Authority = 100 gallons per capita per day~~

~~Ave Maria = 110 gallons per capita per day within service area~~

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F. County Solid Waste Disposal Facilities: [Revised text, page 7]

- 1. Two (2) years of constructed lined cell capacity at the average disposal rate for the previous three (3) years.
- 2. Ten (10) years of permittable capacity at the average disposal rate for the previous three (3) years.

~~• Based on the average of the previous three (3) complete fiscal years actual lined cell tonnage capacity.~~

G. County Parks and Recreation Facilities: [Revised text, page 7]

- 1. Regional Park land = 2.9 2.7 acres per 1,000/pop.
- 2. Community Park land = 1.2 acres per 1,000/pop. (unincorporated)

H. Public School Facilities:

- 1. Elementary schools = 95 percent (0.95) of CSA Enrollment / FISH Capacity
- 2. Middle schools = 95 percent (0.95) of CSA Enrollment / FISH Capacity
- 3. High schools = 100 percent (1.00) of CSA Enrollment / FISH Capacity

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**OBJECTIVE 2 (FINANCIAL FEASIBILITY):**

Provide public facilities, as described in Policy 1.1 above, in order to maintain adopted level of service standards that are within the ability of the County to fund, within the County's authority to require others to provide, or as provided by the School District within their financially feasible Five-Year Capital Improvement Plan, formally adopted by the School Board between July 1 and October 1 each year. With the exception of public school facilities, existing public facility deficiencies measured against the adopted level of service standards will be eliminated with revenues generated by ad valorem taxes and other intergovernmental revenues received based on economic activity. Future development will bear a proportionate cost of facility improvements necessitated by growth. Future development's payments may take the form of, but are not limited to, voluntary contributions for the benefit of any public facility, impact fees, dedications of land, provision of public facilities, and future payments of user fees, special assessments and taxes.

[Objective is provided for contextual purposes only; no change proposed.]

**Policy 2.4:** [Revised text, page 8]

Public facilities financed by County enterprise funds (i.e., potable water, ~~sanitary sewer~~ wastewater treatment, and solid waste disposal) may be financed by debt to be repaid by user

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fees and charges for enterprise services, or the facilities may be financed from current assets (i.e., reserves, surpluses and current revenue).

**Policy 2.5:**

[Revised text, page 8]

Public facilities financed by non-enterprise funds (i.e., arterial and collector roads, ~~surface water~~ – stormwater management, and parks and recreation) shall be financed from current revenues and, assets and Revenue Bonds approved by the Board of County Commissioners. Debt financing shall not be used to provide excess capacity in non-enterprise public facilities unless the excess capacity is an unavoidable result of a capital improvement that is needed to achieve or maintain standards for levels of service. Notwithstanding other provisions of this policy, general obligation bonds approved by referendum may be used for any public facilities to acquire capacity needed within the Schedule of Capital Improvements or for excess capacity.

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**OBJECTIVE 3 (PUBLIC EXPENDITURES: COASTAL HIGH HAZARD AREA):**

[Rephrased to improve format as an “objective”, revised text, page 9]

~~Effective with plan implementation,~~ Limit public expenditures in the coastal high hazard area to those facilities, as described in Policy 1.1 above, needed to support new development to the extent permitted in the Future Land Use Element.

**Policy 3.1:**

[Revised text, page 9]

The County shall continue to expend funds within the coastal high hazard area for the replacement and maintenance of public facilities identified in the Conservation and Coastal Management Element including, but not limited to arterial and collector roads, ~~sanitary sewer service~~— wastewater treatment systems, potable water supply systems, ~~surface water~~— stormwater management systems, solid waste collection and disposal systems, natural groundwater aquifer recharge areas, and park and recreation facilities.

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**OBJECTIVE 4 (PROVIDE NEEDED IMPROVEMENTS):**

Coordinate County land use planning and decisions with its plans for public facility capital improvements, as described in Policy 1.1 above, by providing needed capital improvements for replacement of obsolete or worn out facilities, eliminating existing deficiencies, and future development and redevelopment caused by previously issued and new development orders.

[Objective is provided for contextual purposes only; no change proposed.]

**Policy 4.1:**

[Revised text, pages 10, 11]

The County shall provide, or arrange for others to provide, the public facilities listed in the Schedule of Capital Improvements. The Schedule of Capital Improvements shall be updated annually and may also be modified as follows:

- A. Pursuant to Florida Statutes, 163.3187, the Schedule of Capital Improvements may be amended two times during any calendar year, and as allowed for emergencies, developments of regional impact, and certain small scale development activities.

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B. Pursuant to Florida Statutes, 163.3177, the Schedule of Capital Improvements may be adjusted by ordinance not deemed to be an amendment to the Growth Management Plan for corrections, updates, and modifications concerning costs; revenue sources; or acceptance of facilities pursuant to dedications which are consistent with the plan.

**Policy 4.2:**

[Revised text, page 10]

By December 1 of each year, the County shall adopt, by reference, into its Capital Improvement Element, the School District’s annually updated financially feasible Five-Year Capital Improvement Plan and the District Facilities Work Program in order to achieve and maintain the adopted level of service standards for Public School Facilities. The School District Five-Year Capital Improvement Plan shall identify the financially feasible school facility capacity projects necessary to address existing deficiencies and future needs based on achieving and maintaining adopted LOS standards for schools. The District Facilities Work Program, prepared by the School District pursuant to Section 1013.35(1)(b), F.S., shall be adopted as part of the data and analysis in support of the School District’s Five-Year Capital Improvement Plan. Adoption of the School District’s Capital Improvement Plan shall occur with the District School Board of Collier County Capital Improvement Plan FY ~~11-30~~ 13-32, approved on ~~June 21, 2011~~ May 8, 2012; and, the District Facilities Work Program FY ~~12-16~~ 13-17, adopted by the School Board on ~~September 21, 2011~~ September 12, 2012.

**Policy 4.3:**

[Revised text, page 11]

All public facility capital improvements shall be consistent with the goals, objectives and policies of the appropriate individual eElement of this Growth Management Plan.

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**Policy 4.6:**

[Revised text, page 11]

Public facilities and services provided by Collier County with public funds in accordance with the Schedule of Capital Improvements in this Capital Improvement Element will be limited to Service Areas established within the boundaries designated on Figure PW-1 ~~and Figure PW-1.1~~ “Collier County Water District Boundaries”, and Figure PW-2 ~~and Figure PW-2.1~~ “Existing and Future Potable Water Service Areas”, in the Potable Water Sub-Element of the Public Facilities Element, and on Figure ~~SS-1~~ WT-1 ~~and Figure SS-1.1~~, “Collier County Sewer District Boundaries”, and Figure ~~SS-2~~ WT-2 ~~and Figure SS-2.1~~, “Existing and Future Sewer Wastewater Treatment Service Areas”, in the ~~Sanitary-Sewer~~ Wastewater Treatment Sub-Element of the Public Facilities Element. Road and Public School improvements will be provided as designated in their respective Schedule of Capital Improvements appearing in this Capital Improvement Element. All other public facilities and service types will be provided on a countywide availability basis.

**Policy 4.7:**

[Revised text, page 11]

The County shall ensure that publicly funded buildings and publicly funded development activities are carried out in a manner that demonstrates best practice to minimize the loss of life, property, and re-building cost from the effects from hurricanes, flooding, natural and technological disaster events. Best practice efforts may include, but are not be limited to:

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- a. Construction above the flood plain;
- b. Maintaining a protective zone for wildfire mitigation;
- c. Installation of on-site permanent generators or temporary generator emergency connection points;
- d. Beach and dune restoration, re-nourishment, or emergency protective actions to minimize the loss of structures from future events;
- e. Emergency road repairs; and,
- f. Repair and/or replacement of publicly owned docking facilities, parking areas, and sea walls.

\*\*\*    \*\*\*    \*\*\*    \*\*\*    \*\*\*    text break    \*\*\*    \*\*\*    \*\*\*    \*\*\*    \*\*\*

**OBJECTIVE 5 (CONCURRENCY MANAGEMENT):**

Ensure that public facilities, as described in Policy 1.1 above, and services needed to support development are available concurrent with the impacts of such development.

[Objective is provided for contextual purposes only; no change proposed.]

**Policy 5.1:**

[Revised text, pages 11, 12]

The concurrency requirement for the Potable Water, ~~Sanitary Sewer~~ Wastewater Treatment, ~~Drainage~~ Stormwater Management and Solid Waste Disposal Level of Service Standards of this Growth Management Plan will be achieved or maintained if any one of the following standards of the Concurrency Management System is met:

- A. The necessary facilities and services are in place at the time a final site development plan, final plat or building permit is issued; or
- B. The necessary facilities and services are under construction at the time a final site development plan, final plat or building permit is issued; or
- C. The necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of paragraphs A and B of this policy. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Sections 163.3220 – 163.3243, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes. The agreement must guarantee that the necessary facilities will be in place when the impacts of the development occur, pursuant to Section 163.3180, Florida Statutes.

**Policy 5.2:**

[Revised text, page 12]

The concurrency requirement for the Parks and Recreation Level of Service Standards of this Growth Management Plan will be achieved or maintained if any one of the following standards of the Concurrency Management System is met:

- A. Compliance with any one of the standards set forth in Policy 5.1 A, B and C is met; or

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

Exhibit "A"

As approved by CCPC on 10-30-12

EAR-based GMP Amendments

Capital Improvement Element – to BCC for Adoption

12-11-12

- B. At the time the final site development plan, final plat or building permit is issued, the necessary facilities and services are the subject of a binding executed contract which provides for commencement of actual construction of the required facilities within one year of the issuance of the final site development plan, final plat or building permit; or
- C. The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities within one year of the issuance of the applicable final site development plan, final plat, or building permit. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Sections 163.3220 – 163.3243, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes.

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**Collier County Schedule of Capital Improvements  
Public School Facilities Projects**

[Revised text, page 22]

For the purpose of school concurrency, and in accordance with Policy 4.2, the County hereby incorporates, by reference, the School District’s Capital Improvement Plan FY ~~12-31~~ 13-32, approved on ~~June 21, 2011~~ May 8, 2012; and, the District Facilities Work Program FY ~~12-16~~ 13-17, adopted by the School Board on ~~September 21, 2011~~ September 12, 2012 is hereby incorporated as data and analysis.

STATE OF FLORIDA)

COUNTY OF COLLIER)

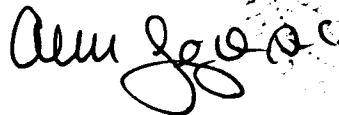
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

**ORDINANCE 2013-03**

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