

ORDINANCE NO. 15- 11

AN ORDINANCE AMENDING ORDINANCE 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN OF THE UNINCORPORATED AREA OF COLLIER COUNTY FLORIDA, ADOPTING 2011 EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS TO THE COLLIER COUNTY GROWTH MANAGEMENT PLAN TO FIX GLITCHES RELATED TO CHANGES IN THE 2011 EAR-BASED AMENDMENTS AND TO REVISE FORMAT, STRUCTURE AND LANGUAGE FOR INTERNAL CONSISTENCY, SPECIFICALLY AMENDING THE TRANSPORTATION ELEMENT; RECOMMENDING TRANSMITTAL OF THE ADOPTED AMENDMENTS TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. [PL20130001109/CPSP-2013-6]

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 amendments to address glitches related to 2011 EAR-based amendments; and

WHEREAS, Collier County transmitted the Growth Management Plan amendments to the Department of Economic Opportunity for preliminary review on July 18, 2014, after public hearings before the Collier County Planning Commission and the Board of County Commissioners; and

WHEREAS, the Department of Economic Opportunity reviewed the amendments 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 amendments to the Growth Management Plan; and

WHEREAS, Collier County has gathered and considered additional information, data and analysis supporting adoption of these amendments, including the following: the Collier County Staff Report, the documents entitled Collier County Growth Management Plan Amendments 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 December 4, 2014, and the Collier County Board of County Commissioners held on January 27, 2015; 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 AMENDMENTS TO THE TRANSPORTATION ELEMENT OF THE GROWTH MANAGEMENT PLAN

The amendment to the Transportation 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 27th day of January 2015.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

by: Alan Lee D.O.C.
Deputy Clerk
Attest as to Chairman's
signature only.

BY: T. Nance
TIM NANCE, Chairman

Approved as to form and legality:

[Signature]
Scott A. Stone
Assistant County Attorney

Attachment: Exhibit A – Transportation Element

This ordinance filed with the
Secretary of State's Office on the
27th day of February, 2015
and acknowledgement of that
filing received this 27th day
of February, 2015
By: Alan Lee D.O.C.
Deputy Clerk

EXHIBIT "A"
TRANSPORTATION ELEMENT (TE)

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A. FUTURE SYSTEM NEEDS

[Revised text, page 1]

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2. Traffic Circulation Constraints

In many parts of the Naples Urban Area, traffic circulation movements are constrained by the natural features of the landscape such as the Gordon River. Still other parts offer constraints of the man-made variety, such as golf courses and the Naples Airport. In many instances approved developments (some existing, others not yet built) block the way of logical extensions of urban collector and arterial roads.

The single most noticeable constraint is the Gordon River as it extends from the Naples Bay northward under the East Tamiami Trail (US 41) to its connection with the Golden Gate canal system.

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The characteristics of the highway network at this location resembles an "hour-glass". On the western extreme, US 41 and Goodlette Road converge on the narrow "straits" of the Gordon River bridge; while to the east, US 41 and Davis Boulevard do likewise. The result is the typical "bottleneck" effect when too much traffic volume is forced through a constricted area.

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Policy 1.3:

[Revised text, page 12]

The standards for levels of service (LOS) of County arterial and collector roads appear in Policy 1.5; ~~subsection "A"~~ 1.5.A 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.

Policy 1.4:

The standards for levels of service (LOS) of state and federal roads in the County appear in Policy 1.5; ~~subsection "B"~~ 1.5.B 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 5.4:

[Revised text, page 16]

Pursuant to Section 163.3180, Florida Statutes and the Urban Infill and Urban Redevelopment Strategy contained in the Future Land Use Element of this Plan, the South ~~U.S.~~ US 41

[14-CMP-00913/1125252/1]74

Words underlined are added; words struck through are deleted - as Transmitted.

Words double-underlined are added; words double-struck through are deleted - as Recommended for Adoption.



Transportation Concurrency Exception Area (TCEA) is hereby designated. Development located within the South U.S. US 41 TCEA (MapTR-4) may be exempt from transportation concurrency requirements, so long as impacts to the transportation system are mitigated using the procedures established in Policies 5.5 and 5.6 below, and in consideration of the following:

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Policy 5.5: [Revised text, page 18]

Commercial developments within the South U.S. US 41 TCEA that choose to obtain an exception from concurrency requirements for transportation will provide certification to the Transportation Planning Department that at least four of the following Transportation Demand Management (TDM) strategies will be utilized:

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Residential developments within the South U.S. US 41 TCEA that choose to obtain an exception from concurrency requirements for transportation shall provide documentation to the Transportation Planning Department that at least three of the following Transportation Demand Management (TDM) strategies will be utilized:

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Monitoring of the use and effectiveness of the TDM strategies selected shall be included in the required annual monitoring report. Developments not required to submit an annual monitoring report shall, for three (3) years following completion of the development, provide an assessment as to the use and effectiveness of the selected strategies in a form provided by the County. Modifications to the applied TDM strategies may be made within the first three (3) years of development if they are deemed ineffective. Modifications to the new TDM strategies may be made within this second three year period and subsequent three year periods if the TDM strategies are deemed ineffective. Another assessment shall be completed within three (3) years and in three year increments until the TDM strategies are deemed effective.

Developments within the South U.S. US 41 TCEA that do not obtain certification shall meet all concurrency requirements. Whether or not a concurrency exception is requested, developments will be subject to a concurrency review for the purpose of reserving capacity for those trips associated with the development and maintaining accurate counts of the remaining capacity on the roadway network.

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Policy 5.6: [Revised text, page 18]

The County shall designate Transportation Concurrency Management Areas (TCMAs) to encourage compact urban development where an integrated and connected network of roads is in place that provide multiple, viable alternative travel paths or modes for common trips. Performance within each TCMA shall be measured based on the percentage of lane miles meeting the LOS described in this Transportation Element, Policies 1.3 and 1.4 of this Element. The following Transportation Concurrency Management Areas are designated:

[14-CMP-00913/1125252/1]74

Words underlined are added; words ~~struck through~~ are deleted – as Transmitted.

Words double-underlined are added; words ~~double-struck through~~ are deleted – as Recommended for Adoption.



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In order to be exempt from link-specific concurrency, developments within the TCMA must provide documentation to the Transportation Planning Department Section that at least two (2) Transportation Demand Management (TDM) strategies utilized meet the criteria of the LDC. Monitoring of the use and effectiveness of the TDM strategies selected shall be included in the required annual monitoring report. Developments not required to submit an annual monitoring report shall, for three (3) years following completion of the development, provide an assessment as to the use and effectiveness of the selected strategies in a form provided by the County. Modifications to the applied TDM strategies may be made within the first three (3) years of development if they are deemed ineffective. Modifications to the new TDM strategies may be made within this second three year period and subsequent three year periods if the TDM strategies are deemed ineffective. Another assessment shall be completed within three (3) years and in three year increments until the TDM strategies are deemed effective.

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Policy 6.5: [Revised text,
page 20]

The Collier County MPO's adopted Long Range Plan has identified a number of potential, critical need intersections, including an interchange in the vicinity of I-75/Everglades Boulevard; a ~~US-41~~ US 41/SR-CR 951 grade separated overpass; and, a Randall Boulevard/Immokalee Road grade separated overpass. The County shall pursue such projects in a manner consistent with the findings of the AUIR and through the development of the FDOT 5-year Work Program, as appropriate.





FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

February 2, 2015

Honorable Dwight E. Brock
Clerk of the Circuit Court
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Ann Jennejohn, Deputy Clerk

Dear Mr. Brock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 15-11, which was filed in this office on February 2, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb