

ORDINANCE NO. 15- 07

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 CONSERVATION AND COASTAL MANAGEMENT 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 CONSERVATION AND COASTAL MANAGEMENT ELEMENT OF THE GROWTH MANAGEMENT PLAN

The amendment to the Conservation and Coastal Management 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: Dwight E. Brock
Deputy Clerk
Attest as to Chairman's
signature only.

BY: Tim Nance
TIM NANCE, Chairman

Approved as to form and legality:
[Signature]
Scott A. Stone
Assistant County Attorney

Attachment: Exhibit A – Conservation and Coastal Management 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: Dwight E. Brock
Deputy Clerk



EXHIBIT "A"

PL20130001109/CPSP-2013-6

CONSERVATION AND COASTAL MANAGEMENT ELEMENT (CCME)

I. INTRODUCTION

[Revised text, page 1]

Subsection 163.3177 (5)(d) (6)(d), Florida Statutes requires all local governments within the State of Florida to have, as part of their respective Local Government Comprehensive Plans, an Element, dealing with "the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, water wells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources, including factors that affect energy conservation."

In 2002, the State Legislature made a change to This Subsection 163.3177 (6)(d), F.S., which also requires local Conservation Elements to consider the applicable Water Management District water supply plans or water management plans. More specifically, the Conservation Element must "assess their "current, as well as and projected, water needs and sources for at least a 10-year period."

In addition to the Conservation Element, Subsection 163.3177 (5)(g) (6)(g), Florida Statutes, also requires certain designated local governments (including Collier County) to have an element of the local comprehensive plan dealing with coastal management. This Coastal Management Element must "set forth the policies that shall guide the local government's decisions and program implementation with respect to the following objectives:"

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OBJECTIVE 2.1:

[Revised text, page 6]

Prepare Watershed Management Plans, which contain appropriate mechanisms to protect the County's estuarine and wetland systems. Until the Watershed Management Plans are completed, the County shall apply the following as interim standards for development:

- a. All new development and re-development projects shall meet 150% of the water quality volumetric requirements of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District (2012) State of Florida's Environmental Resource Permit Applicant's Handbook Volume I (2013) Environmental Resource Permit Applicant's Handbook Volume II for use within the Geographic Limits of the South Florida Water Management District (2014), or its successor, in effect at the time of project approval, and the retention and detention requirements, and the allowable off-site discharge rates required by Stormwater Management Sub-Element Policy 6.2 and 6.3, respectively;

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[14-CMP-00913/1125248/1]71

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.



GOAL 6: [Revised text, page 16]

TO IDENTIFY, PROTECT, CONSERVE AND APPROPRIATELY USE THE COUNTY'S NATIVE VEGETATIVE COMMUNITIES AND WILDLIFE HABITAT.

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Policy 6.1.1: [Revised text, page 16]

For the County's Urban Designated Area, Estates Designated Area, Conservation Designated Area, and Agricultural/Rural Mixed Use District, Rural-Industrial District and Rural-Settlement Area District as designated on the FLUM, native vegetation shall be preserved through the application of the following minimum preservation and vegetation retention standards and criteria, unless the development occurs within the Area of Critical State Concern (ACSC) where the ACSC standards referenced in the Future Land Use Element shall apply. Notwithstanding the ACSC requirements, this policy shall apply to all non-agricultural development except for single-family dwelling units situated on individual parcels that are not located within a watershed management conservation area identified in a Watershed Management Plan developed pursuant to policies supporting Objective 2.1 of this Element. For properties not previously within the Coastal High Hazard Area but now within the Coastal High Hazard Area due to adoption of a revised Coastal High Hazard Area boundary in ~~2012~~ 2013, the native vegetation preservation and retention standards of the Non-Coastal High Hazard Area shall continue to apply. (Reference the Coastal High Hazard Area Comparison Map in the Future Land Use Element.)

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Policy 6.2.3: [Repositioned parenthetical and revised text, page 27]

Collier County shall implement a comprehensive process to ensure wetlands and the natural functions of wetlands are protected and conserved... The County shall direct impacts away from such wetlands.

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(2) Big Cypress Area of Critical State Concern (ACSC) Overlay

Best available data indicates that 74% of the County's wetlands are within the *Big Cypress Area of Critical State Concern Overlay*. The land development regulations contained in the ACSC Overlay ~~District~~, as depicted on the Countywide Future Land Use Map, provide standards that facilitate the goal of directing higher intensity land uses away from wetland systems. The development standards for the ACSC Overlay (*Reference FLUE Land Use Designation Section V.*) specify that site alterations shall be limited to 10% of the total site. The majority of the land contained within the ACSC is also within the Conservation Designation and thus is subject to the land use limitations of that Land Use Designation.

(3) Natural Resource Protection Areas (NRPAs)

Major wetland systems and regional flow-ways were used as criteria to establish the NRPA Overlay ~~District~~ as shown on the Future Land Use Map, and as discussed in FLUE Land Use Designation, Section V.C. These areas include high functioning wetland systems and, although portions of the NRPA Overlay include lands within the Conservation Designation, represent

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approximately 12% of the County's wetlands, which are not located in Conservation Lands. Based on the relatively high concentration of wetlands within NRPA designated lands, incompatible land uses shall be directed away from these areas. Allowable land uses within NRPAs are also subject to native vegetation retention and preservation standards of 90%.

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Policy 6.5.2: [Revised text, page 35]

The following criteria shall apply to development contiguous to natural reservations in order to reduce negative impacts to the natural reservations:

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(3) Within the Rural Fringe Mixed Use District, stormwater management systems discharging directly to the natural reservation shall meet the Outstanding Florida Water criteria of one-half inch of dry retention or retention pretreatment as specified in Section ~~5.2.2(b)~~ 4.2.2(b), of the ~~SFWMD's Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, August 2000~~ State of Florida's Environmental Resource Permit Applicant's Handbook Volume I (2013) ~~Environmental Resource Permit Applicant's Handbook Volume II for use within the Geographic Limits of the South Florida Water Management District (2014), or its successor.~~

(4) Proposed development shall demonstrate that ground water table drawdowns or diversions will not adversely impact the natural reservation. Detention and control elevations shall be set to protect the natural reservation and be consistent with surrounding land and project control elevations and water tables. In order to meet these requirements, projects shall be designed in accordance with Sections ~~4.2.2.4, 6.11 and 6.12~~ of 3.10, 3.11 and 3.12 of the ~~SFWMD's Basis of Review the State of Florida's Environmental Resource Permit Applicant's Handbook Volume I (2013)~~ Environmental Resource Permit Applicant's Handbook Volume II for use within the Geographic Limits of the South Florida Water Management District (2014), or its successor.

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GOAL 8: [Revised text, page 41]
~~THE COUNTY SHALL TO MAINTAIN COLLIER COUNTY'S EXISTING AIR QUALITY.~~

OBJECTIVE 8.1: [Revised text, page 41]

~~All activities in the County shall~~ eComply with all applicable federal and State air quality standards.

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OBJECTIVE 9.3: [Revised text, page 42]

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The ~~Collier County Solid Waste Department~~ shall eContinue to hold its hazardous waste collection days at least once per year.

Policy 9.3.1: [Revised text, page 42]

The ~~h~~Hazardous waste collection days shall target residential households but also allow small businesses to participate to some extent.

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GOAL 11: [Revised text, page 50]

THE COUNTY SHALL TO PROVIDE FOR THE PROTECTION, RESERVATION, AND SENSITIVE RE-USE OF HISTORIC RESOURCES.

OBJECTIVE 11.1: [Revised text, page 50]

To ~~p~~Protect historic and archaeological resources in Collier County.

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Policy 12.1.6: [Revised text, page 52]

The Directors of the Engineering Services Department/Transportation Planning Section and Bureau of Emergency Services Management Departments will review, at least annually, review evacuation route road improvement needs to ensure that necessary improvements are reflected within ~~Table A~~, the Five-Year Schedule of Capital Improvements, as contained within the Capital Improvement Element of this Growth Management Plan.

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Policy 12.1.14: [Revised text, page 53]

All new nursing homes and assisted living facilities that are licensed shall have a core area to shelter residents and staff on site. The core area will be constructed to meet the Public Shelter Design Criteria that ~~is~~ are required for new public schools and public community colleges and universities ("State Requirements for Educational Facilities," 2007). Additionally, this area shall be capable of ventilation or air conditioning provided by back-up generator for a period of no less than 72 hours.

Policy 12.1.16 15: [Revised text, page 54]

The County will coordinate with the Florida Department of Transportation on its plans to one-way evacuation routes on State maintained roads that are primary evacuation routes for vulnerable populations.

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Policy 12.2.5: [Revised text, page 55]

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The County shall consider the Coastal High Hazard Area as a geographical area lying below the elevation of the Category 1 storm surge line as presently defined in the 2011 Southwest Florida Regional Planning Council's Hurricane Evacuation Study, or subsequently authorized storm surge or evacuation planning studies coordinated by the Collier County Bureau of Emergency Services Management Department and approved by the Board of County Commissioners.

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Policy 12.3.3: [Revised text, page 55]

The Recovery Task Force shall include the Sheriff, the Growth Management Division Administrator, the ~~Land Development Services~~ Planning and Zoning Director, the Bureau of Emergency Services Director and other members as directed by the Board of County Commissioners, such as representatives from municipalities within the County that have received damage from a storm.

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OBJECTIVE 12.4: [Revised text, page 56]

~~The County shall~~ Make every reasonable effort to meet the emergency preparedness requirements of Persons with Special Needs such as the elderly, handicapped, the infirmed and those requiring transportation from a threatened area. In the event of a countywide emergency, such as a hurricane or other large-scale disaster, the County Bureau of Emergency Services Management Department in coordination with the County Health Department and other officials shall open and operate one or more refuges for persons listed on the County's Special Needs Registry and their caregivers. Medical and support equipment at such refuges will include, but not necessarily be limited to, respirators, oxygen tanks, first aid equipment, disaster cots and blankets, and defibrillators.

Policy 12.4.1: [Revised text, page 56]

All new hospitals, nursing homes, and adult congregate living facilities shall prepare an emergency preparedness plan for approval by the Bureau of Emergency Services Management Department prior to receiving a final development order.

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GOAL 13: [Revised text, page 56]

~~THE COUNTY SHALL TO AVOID UNNECESSARY DUPLICATION OF EXISTING REGULATORY PROGRAMS.~~

OBJECTIVE 13.1: [Revised text, page 57]

~~To e~~Establish, prior to the adoption of any land development regulation to implement this Element, including but not limited to NRPA management guidelines and watershed management plans, a program to review such regulations and identify existing regulatory programs exercised by regional, State, or Federal agencies with jurisdiction over the activities sought to be regulated.

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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. 15-07, which was filed in this office on February 2, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb