

ORDINANCE NO. 15- 06

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 CAPITAL IMPROVEMENT 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 CAPITAL IMPROVEMENT ELEMENT OF THE GROWTH MANAGEMENT PLAN

The amendment to the Capital Improvement 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: *Amy Dezel OC.*
Deputy Clerk'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 – Capital Improvement Element

This ordinance filed with the
Secretary of State's Office the
27th day of February, 2015
and acknowledgement of that
filing received this 27th day
of February, 2015
By *Amy Dezel OC.*
Deputy Clerk

EXHIBIT "A"
CAPITAL IMPROVEMENT ELEMENT (CIE)

I. INTRODUCTION

[Revised parenthetical citation,
page 1]

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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 to meet established acceptable levels of service." The statute 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 163.3164(28), Florida Statutes).

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II. GOALS, OBJECTIVES AND POLICIES

[Revised parenthetical citation,
page 2]

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Policy 1.5:

[Revised text,
page 7]

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

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C. County Stormwater Management Systems:

*** *** *** *** *** text break *** *** *** *** ***

LEVELS OF SERVICE ATTAINED BY BASINS

*** *** *** *** *** text break *** *** *** *** ***

BASIN	LEVEL OF SERVICE
SOUTHERN COASTAL BASIN	
US-41 <u>US 41</u> Outfall Swale No. 1 Basin	D
US-41 <u>US 41</u> Outfall Swale No. 2 Basin	D
Seminole Park Outlet Basin	C

*** *** *** *** *** text break *** *** *** *** ***

[14-CMP-00913/1125247/1]70

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.



H. Public School Facilities:

Level of Service (LOS) standards for CSAs shall be based upon permanent FISH capacity:

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

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~~Collier County Schedule of Capital Improvements~~ [Revised text, page 23]

~~Public School Facilities Projects~~

~~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 13-32-14-33, approved on May 8, 2012 May 14, 2013, and, the District Facilities Work Program FY 13-17-14-18, adopted by the School Board on September 12, 2012 September 10, 2013 is hereby incorporated as data and analysis.~~

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V. PROGRAMS TO ENSURE IMPLEMENTATION [Revised text, page 26]

Through continued implementation of adopted land development regulations the following programs have been implemented to ensure that the goals, objectives and policies established in this Capital Improvement Element will be achieved or exceeded.

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4. Semi-annual Report

The mandatory semi-annual report to the Florida Department of Community Affairs concerning amendments to the comprehensive plan due to emergencies, developments of regional impact, and selected small developments will identify changes, if any, to adopted goals, objectives and policies in this Capital Improvement Element.

5 4. Update of Capital Improvement Element [Renumbered text, page 26]

The monitoring of, and adjustment to, this Capital Improvement Element is an ongoing process necessitated by changing conditions. Beginning no later than December of each year, the Element will be updated in conjunction with the County's budget process, and the release of the official BEBR population estimates and projections. The update will include:

[14-CMP-00913/1125247/1]70

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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6 5. Concurrency Management System

[Renumbered text, page 27]

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7 6. Third Evaluation and Appraisal Report Reviews

[Renumbered & revised text, page 28]

The ~~Required~~ third Evaluation and Appraisal Report Reviews (EAR) will address the implementation of the goals, objectives and policies of this Capital Improvement Element. The monitoring procedures necessary to enable the completion of ~~the third~~ each evaluation include:

A. Review of annual reports of the Concurrency Management System, as set forth in Section 6 5 above;

~~B. Review of semi-annual reports to DCA concerning amendments to the Growth Management Plan, as set forth in Section 4 above; and~~

~~C B.~~ Review of annual updates of this Capital Improvement Element, including updated supporting documents; and -

C. Review of State of Florida legislation concerning comprehensive planning and growth management passed since the previous EAR to evaluate effects on Collier County planning efforts.





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. 15-06, which was filed in this office on February 2, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb