

ORDINANCE NO. 15- 10

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 RECREATION AND OPEN SPACE 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 RECREATION AND OPEN SPACE ELEMENT OF THE GROWTH MANAGEMENT PLAN

The amendment to the Recreation and Open Space 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.

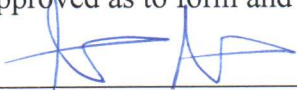
ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA


Deputy Clerk
Attest as to Chairman's
Signature

BY: 
TIM NANCE, Chairman

Approved as to form and legality:



Scott A. Stone
Assistant County Attorney

Attachment: Exhibit A – Recreation and Open Space Element

This ordinance filed with the
Secretary of State's Office the
2nd day of February 2015
and acknowledgement of that
filing received this 2nd day
of February 2015.
By Debra J. [unclear]
Deputy Clerk

EXHIBIT "A"
RECREATION AND OPEN SPACE ELEMENT (ROSE)

I. INTRODUCTION

[Revised text, page 1]

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II. GOALS, OBJECTIVES AND POLICIES
RECREATION & OPEN SPACE ELEMENT

[Revised text, page 2]

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Policy 1.1.1:

[Revised text, page 2]

The standards for levels of service (LOS) of County parks and recreation facilities appear in Policy 1.5; subsection "G" 1.5.G 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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Collier County hereby adopts the following level of service standards for facilities and land owned by the County or available to the general public:

LEVEL OF SERVICE STANDARD:

C. Recreation facilities — Facilities in place, which have a value (as (X) defined) of at least \$270.00 per capita of population. A Construction Cost Index (CCI) adjustment will be used to determine the construction cost of facilities planned. The CCI that will be used will be the prior year of the County's fiscal year budget.

- 1. Value will be arrived at using the per unit values for each facility type available in the County, as set forth in the Annual Update and Inventory Report (AUIR), applying the values to the number of each facility type, adding up all values and dividing the total by the County population.
2. Where recreation facilities provided by other governmental bodies or the private sector are available through arrangement with the County to the public on a convenient basis, they shall be considered in measuring in-place facility value.

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[Revised text, page 5]

GOAL 2: THE COUNTY SHALL PROMOTE A PARK SYSTEM THAT INCLUDES REGIONAL, COMMUNITY AND NEIGHBORHOOD PARKS WITH PEDESTRIAN PATHWAYS AND BIKE LANES TO PROVIDE USEABLE OPEN SPACE TO MEET THE RECREATIONAL NEEDS OF RESIDENTS WITHIN THE COMMUNITY. REGIONAL AND COMMUNITY PARK DEVELOPMENT WILL BE BASED ON THE LEVEL OF SERVICE STANDARD (LOSS) CONTAINED IN THE CIE.

\\bcc.colliergov.net\data\GMD-LDS\CDDES Planning Services\Comprehensive\COMP PLANNING GMP DATA\Comp Plan Amendments\2013 GMPAs Outside of Cycle\CPSP-2013-6 First Set of Batch Amendments\CCPC & BCC Adoption\13-6 Adptn GMPA Exhbt A_8-25 DRAFT.docx

[14-CMP-00913/1125250/1]72

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.





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. 15-10, which was filed in this office on February 2, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb