

ORDINANCE NO. 19- _____

AN ORDINANCE AMENDING ORDINANCE 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN OF THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, RELATING TO THE GOLDEN GATE AREA MASTER PLAN RESTUDY SPECIFICALLY AMENDING THE SOLID WASTE SUB-ELEMENT OF THE PUBLIC FACILITIES ELEMENT; DIRECTING TRANSMITTAL OF THE ADOPTED AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. [PL20180000261]

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 an amendment to the Solid Waste Sub-Element of the Public Facilities Element of the Growth Management Plan; and

WHEREAS, Collier County transmitted the Growth Management Plan amendment to the Department of Economic Opportunity for preliminary review on March 19, 2019, after public hearings before the Collier County Planning Commission and the Board of County Commissioners; and

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

WHEREAS, Collier County has gathered and considered additional information, data and analysis supporting adoption of these amendment, including the following: the Collier County Staff Report, the documents entitled Collier County Growth Management Plan Amendment 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 July 18, 2019, and the Collier County Board of County Commissioners held on September 24, 2019; 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 AMENDMENT TO THE SOLID WASTE SUB-ELEMENT OF THE PUBLIC FACILITIES ELEMENT OF THE GROWTH MANAGEMENT PLAN

The amendment to the Solid Waste Sub-Element of the Public Facilities 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 _____ day of _____, 2019.

ATTEST:
CRYSTAL K. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

Deputy Clerk

BY: _____
William L. McDaniel, Jr., Chairman

Approved as to form and legality:

Heidi Ashton-Cicko
Managing Assistant County Attorney

HIFAC
8-16-19

Attachment: Exhibit A – Solid Waste Sub-Element of the Public Facilities Element

EXHIBIT "A"

PUBLIC FACILITIES ELEMENT

Solid Waste Disposal Sub-Element

(Adopted October 1997, amended through December 12, 2017 by Ordinance no. 2017-48)

GOAL: [pg. 2]
TO PROVIDE AN EFFICIENT AND ECONOMICAL BALANCE OF PUBLIC AND PRIVATE SERVICES THAT WILL ENABLE THE PEOPLE OF COLLIER COUNTY TO MEET THE ESTABLISHED REQUIREMENTS FOR SOLID WASTE DISPOSAL AND MANAGEMENT IN A MANNER THAT ASSURES PUBLIC HEALTH AND SAFETY AND PROTECTS THE ENVIRONMENTAL RESOURCES OF COLLIER COUNTY.

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OBJECTIVE 2: (DISPOSAL) [pg. 16]
Utilize safe and efficient methods for environmentally sound disposal of solid waste in accordance with local, State and Federal regulations and investigate improved methods and implement practices that meet this Objective.

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Policy 2.15: [pg. 16]
The County shall continue to pursue a best management practices approach to making septage treatment available to residents and businesses within Golden Gate Estates, as a component of bio-solid processing, either directly, through a private entity, or through a public private partnership.

Words underlined are added; words ~~struck through~~ are deleted.
Row of asterisks (**** ****) denotes break in text.