ORDINANCE NO. 18- 60

AN ORDINANCE AMENDING ORDINANCE 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN OF THE UNINCORPORATED AREA OF COLLIER COUNTY FLORIDA, ADOPTING AN AMENDMENT TO THE COLLIER COUNTY GROWTH MANAGEMENT PLAN RELATING TO AFFORDABLE HOUSING, SPECIFICALLY AMENDING THE HOUSING ELEMENT TO UPDATE TERMINOLOGY; DIRECTING TRANSMITTAL OF THE ADOPTED AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. [PL20180001205]

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 Housing 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 July 20, 2018, 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 this 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 October 18, 2018, and the Collier County Board of County Commissioners held on December 11, 2018; 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 HOUSING ELEMENT OF THE GROWTH MANAGEMENT PLAN

The amendment to the Housing 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 11th day of December, 2018.

ATTEST:
CRYSTAL K. KINZEL, CLERK

Deputy Clerk

Attest as to Chairman's signature only.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: ANDY SOLIS, Chairman

Approved as to form and legality:

Heidi Ashton-Cicko
Managing Assistant County Attorney

Attachment: Exhibit A – Housing Element
Exhibit A

HOUSING ELEMENT
(Adopted October 1997, amended through January 8, 2013 by Ordinance no. 2013-10)

I. INTRODUCTION 

[pg. 1]
The goal of the Housing Element of the Collier County Growth Management Plan is “to create an adequate supply of decent, safe, sanitary, and affordable housing for all residents of Collier County.” With the exception of housing opportunities provided to citizens of very modest means, the provision and maintenance of housing is traditionally a function of the private market. The development of private housing in Collier County is driven by an expensive housing stock; effectively excluding low-income and working class families from the housing market. Thus, there is a need for the County to find ways to encourage the provision of affordable-workforce housing for these families.

In Collier County, encouragement of the provision of affordable-workforce housing is the responsibility of the Collier County Operations Support and Housing Department. The purpose of the Department’s grants and affordable-workforce housing programs is to increase the supply of affordable-workforce housing countywide, through management of the County’s Affordable Housing Trust Fund. The trust fund has enabled the County to implement the following programs:

- Impact fee deferrals,
- Housing rehabilitation and emergency repair,
- Down payment / closing cost assistance,
- Land acquisition with new construction,
- Demolition with new construction,
- Special needs housing and pre-approved building plans,
- Meeting community needs by facilitating the creation of affordable-workforce housing opportunities; the improvement of communities; and the sustainability of neighborhoods.

Collier County will continue to address its affordable-workforce housing deficit by working collaboratively with non-profit groups, governmental agencies, and public/private coalitions to coordinate activities and effectively leverage the resources available to the entire County. The most current data available from the University of Florida Shimberg Center is considered in assessing the County’s affordable-workforce housing deficit.

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GOAL 1:

OBJECTIVE 1: 

[pg. 2]
Provide new affordable housing units in order to meet the current and future housing needs of legal residents with very-low, low, moderate and affordable-workforce incomes, including households with special needs such as rural and farmworker housing in rural Collier County.

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Words underlined are added; words struck through are deleted.
Row of asterisks (**** **** ****) denotes break in text.
Policy 1.1:
By January 14, 2014, the Department of Housing, Human and Veteran Services shall establish a method of Indexing the demand for very-low, low, moderate and affordable-workforce housing.

Policy 1.2:
By January 14, 2014, the Department of Housing, Human and Veteran Services shall establish a method of Indexing the availability and costs of very-low, low, moderate and affordable-workforce housing.

Policy 1.10:
The County shall create or preserve affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction. Programs and strategies to encourage affordable-workforce housing development may include, but are not limited to, density by right within the Immokalee Urban area and other density bonus provisions, impact fee deferrals, expedited permitting (fast tracking), public-private partnerships, providing technical assistance and intergovernmental coordination.

OBJECTIVE 2:
Increase the number of affordable housing units, by the methods contained in Objective 1 and subsequent Policies, for very-low, low, moderate and affordable-workforce income residents with the assistance of for-profit and not-for-profit providers of affordable housing, within the County and its municipalities.

Policy 2.2:
Partnerships shall be encouraged between private developers, non-profit entities, local governments and other interested parties to ensure the development of housing that meets the needs of the County's very-low, low, moderate and affordable-workforce income residents.

Policy 2.3:
The County shall, with the City of Naples, continue to provide community organizations with brochures and up-dates on various housing programs, grant opportunities, technical assistance and other information that will promote affordable housing opportunities for very low, low, moderate and affordable-workforce income residents.

Policy 2.9:
The County shall review its Affordable-workforce Housing Density Bonus Ordinance every three years or sooner, as necessary, and revise the Ordinance, as necessary, to reflect changing community needs and market conditions. (The purpose of the Affordable-workforce Housing Density Bonus Ordinance shall be to encourage the blending of affordable housing density bonus

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Row of asterisks (**** **** ****) denotes break in text.
units into market rate developments as well as to support developments exclusively providing affordable housing.)

Policy 3.3:

The County shall continue to utilize SHIP resources and other funds to leverage the number and amount of loans provided by local lending institutions to very low, low, moderate and affordable-workforce income residents for home improvements, rehabilitation and first time homebuyer’s assistance.

Policy 3.8:

The County shall continue to maintain its Community Development Block Grant (CDBG) urban entitlement county status with the U.S. Department of Housing and Urban Development, which will continue to result in an annual allocation of federal funding available to assist very-low, low, moderate and affordable-workforce income households.

OBJECTIVE 8:

Utilize SHIP, CDBG, or other funding sources and, in partnership with Federal, State and non-profit housing agencies, to provide in concert with Objective 1, a number of rehabilitated or new residential units per year for very low, low, moderate and affordable-workforce income residents, based on identified need. (Families benefiting from such housing will include, but are not limited to, farmworkers and other populations with special housing needs.)

(End of Exhibit for the Housing Element)
December 18, 2018

Ms. Crystal K. Kinzel, Clerk
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Teresa Cannon

Dear Ms. Kinzel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 18-60, which was filed in this office on December 18, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb