ORDINANCE NO. 19-_____

AN ORDINANCE AMENDING ORDINANCE 89-05, AS AMENDED, THE COLLIHER COUNTY GROWTH MANAGEMENT PLAN OF THE UNINCORPORATED AREA OF COLLIHER COUNTY, FLORIDA, RELATING TO THE GOLDEN GATE AREA MASTER PLAN RESTUDY SPECIFICALLY AMENDING THE STORMWATER MANAGEMENT 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 Stormwater Management 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 STORMWATER MANAGEMENT SUB-ELEMENT OF THE PUBLIC FACILITIES ELEMENT OF THE GROWTH MANAGEMENT PLAN

The amendment to the Stormwater Management 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

__________________________
William L. McDaniel, Jr., Chairman

Approved as to form and legality:

________________________________________
Heidi Ashton-Cicko
Managing Assistant County Attorney

Attachment: Exhibit A – Stormwater Management Sub-Element of the Public Facilities Element
EXHIBIT "A"
PUBLIC FACILITIES ELEMENT

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

GOAL:
TO PROVIDE STORMWATER MANAGEMENT FACILITIES AND SERVICES FOR DRAINAGE AND FLOOD PROTECTION FOR EXISTING AND FUTURE DEVELOPMENT, MINIMIZE THE DEGRADATION OF QUALITY OF RECEIVING WATERS AND SURROUNDING NATURAL AREAS AND PROTECT THE FUNCTIONS OF NATURAL GROUNDWATER AQUIFER RECHARGE AREAS.

OBJECTIVE 2:
Maintain adopted drainage level of service standards for basins and sub-basins identified in the Water Management Master Plan. Maintenance of the drainage level of service (LOS) identified for each basin will be implemented through the watershed management planning process identified within Goal 2 of the Conservation and Coastal Management Element of this Growth Management Plan.

Policy 2.3:
The County will periodically coordinate with the South Florida Water Management District to review the Level of Service Standards for primary water management canals within the County and their effect on Golden Gate Estates.

OBJECTIVE 5:
Regulate land use and development in a manner that protects the functions of natural drainage features, the stormwater management network and natural groundwater aquifer recharge areas. Implementation of this Objective will be consistent with the Watershed Management Planning process identified within Goal 2 of the Conservation and Coastal Management Element of the Growth Management Plan, and with relevant provisions contained within the adopted Land Development Code (Ordinance Number 2004-41, as amended).

Policy 5.3
The County will continue to identify and implement educational opportunities related to water resources for parcel owners, homeowners, builders, real estate professionals and the public to aid in understanding and addressing site-specific financial and environmental impacts as well as area-wide impacts to water resources.

Policy 5.4
Within two years of adoption, the County will initiate a study on the feasibility of dispersed water management (DWM) for Golden Gate Estates, and determine the extent to which it will rely on voluntary, incentive or mandatory provisions and whether provisions will apply to developed and undeveloped parcels in Golden Gate Estates.

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