

ORDINANCE NO. 13- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AMENDING ORDINANCE NO. 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA SPECIFICALLY AMENDING THE GOLDEN GATE AREA MASTER PLAN AND GOLDEN GATE AREA MASTER PLAN FUTURE LAND USE MAP AND MAP SERIES BY AMENDING THE GOLDEN GATE ESTATES COMMERCIAL INFILL SUBDISTRICT BY CHANGING THE NAME TO GOLDEN GATE ESTATES COMMERCIAL AND INSTITUTIONAL SUBDISTRICT, BY ADDING 2.8 ACRES TO THE EXISTING 6.8 ± ACRE INFILL PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SANTA BARBARA BOULEVARD AND GOLDEN GATE PARKWAY IN SECTION 29, TOWNSHIP 49 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA; BY ADDING GROUP HOUSING FOR SENIORS AND REVISING STANDARDS; AND FURTHERMORE RECOMMENDING TRANSMITTAL OF THE ADOPTED AMENDMENTS TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. [PL20110000769/CPSS-2011-2]

WHEREAS, Collier County, pursuant to Section 163.3161, *et. seq.*, Florida Statutes, 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, Collier County staff requested amendments to the Golden Gate Area Master Plan and Golden Gate Area Future Land Use Map and Map series; and

WHEREAS, pursuant to Subsection 163.3187(1), Florida Statutes, this amendment is considered a Small Scale Amendment; and

WHEREAS, the Subdistrict property is not located in an area of critical state concern or an area of critical economic concern; and

WHEREAS, the Collier County Planning Commission (CCPC) on November 1, 2012 considered the proposed amendments to the Growth Management Plan and recommended approval of said amendments to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Collier County did take action in the manner prescribed by law and held public hearings concerning the proposed adoption of the amendments to the Future Land Use Element of the Growth Management Plan on January 8, 2013; and

WHEREAS, all applicable substantive and procedural requirements of law have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: ADOPTION OF AMENDMENTS TO THE GROWTH MANAGEMENT PLAN

The Board of County Commissioners hereby adopts this small scale amendment to the Golden Gate Area Master Plan and Golden Gate Area Master Plan Future Plan Use Map and Map Series in accordance with Section 163.3184, Florida Statutes. The text and map amendment is attached hereto as Exhibit "A" and incorporated herein by reference.

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 commence 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 _____, 2013.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

Deputy Clerk

BY: _____
GEORGIA A. HILLER, ESQ.
Chairwoman

Approved as to form and legality:

Heidi Ashton-Cicko
Managing Assistant County Attorney

*MFAE
6/2/13*

Attachment: Exhibit A – Proposed Amended Text and Maps

CP\12-CMP-00846\25

Exhibit A

CPSS-2011-2

2. ESTATES DESIGNATION

B. Estates – Commercial District

5. Golden Gate Estates Commercial and Institutional Infill Subdistrict [revised text, page 46]

This Subdistrict consists of two infill areas. The two areas are located at the northwest corner of Collier Boulevard and Green Boulevard and at the northwest corner of Santa Barbara Boulevard and Golden Gate Parkway. Due to the existing zoning and land use pattern in proximity to the Estates Commercial and Institutional In-fill Subdistrict (see Golden Gate Urban Commercial Infill Subdistrict and Golden Gate Estates Commercial and Institutional Infill Subdistrict Map) and the need to ensure adequate development standards to buffer adjacent land uses, commercial uses shall be permitted under the following criteria:

- a) Commercial uses shall be limited to:
 - Low intensity commercial uses that are compatible with both residential and intermediate commercial uses, in order to provide for small scale shopping and personal needs, and
 - Intermediate commercial to provide for a wider variety of goods and services in areas that have a higher degree of automobile traffic. These uses shall be similar to C-1, C-2, or C-3 zoning districts outlined in the Collier County Land Development Code (Ordinance 91-102), adopted October 30, 1991.
- b) Rezones shall be encouraged in the form of a Planned Unit Development (there shall be no minimum acreage requirement for PUD rezones except for the requirement that all requests for rezoning must be at least forty thousand (40,000) square feet in area unless the proposed rezone is an extension of an existing zoning district consistent with the Golden Gate Area Master Plan).
- c) Projects within this Subdistrict shall make provisions for shared parking arrangements with adjoining commercial developments when appropriate.
- d) Driveways and curb cuts for projects within this Subdistrict shall be consolidated with adjoining commercial developments.
- e) Access to projects shall not be permitted from Collier Boulevard.
- f) Any project located within this Subdistrict at the northwest corner of Golden Gate Parkway and Santa Barbara Boulevard (properties include the East 180 feet of Tract 98, Unit 30 and Tract 112, Unit 30, Golden Gate Estates), less and except an easement for Santa Barbara Boulevard right-of-way, shall be subject to the following additional development restrictions:
 - ~~1. The site shall be limited to thirty five thousand (35,000) square feet of building area.~~
 12. Permitted Land uses shall be restricted to offices only limited to medical office uses and Group Housing for seniors. Group Housing for seniors may include independent living

(Words underlined are added, words ~~struck through~~ are deleted)

units, assisted living units, continuing care retirement communities, skilled nursing facilities, and similar uses. Medical office uses shall not exceed 5,000 square feet and total building area shall not exceed 70,000 square feet.

- ~~23.~~ All principal structures shall be required to have a minimum setback of ~~one hundred (100)~~ fifty (50) feet from the project's northern and southern boundary.
- ~~34.~~ The northern ~~seventy five (75)~~ feet of the western ~~sixty (60)~~ percent of the site shall be a green area (open space area). It shall be utilized for only water management facilities, landscape buffers, and similar uses. Buffers: the following minimum project buffers, as set forth in Section 4.06.02 of the Collier County Land Development Code, Ordinance No. 04-41, as amended, in effect as of the date of adoption of this amendment, shall be provided.
West: 25' wide type C.
North: 25' wide type C.
East: 25' wide type D.
South: 25' wide type D.
- ~~5.~~ The western ~~sixty (60)~~ percent of the site shall have an outdoor pedestrian friendly patio(s), that total at least five hundred (500) square feet in area and incorporate a minimum of: benches or seating areas for at least twelve (12) persons, and vegetative shading, and a waterfall or water feature of at least one hundred (100) square feet in area, and brick pavers.
- ~~6.~~ A twenty-five (25) foot wide landscaped strip shall be provided along the entire frontage of both Golden Gate Parkway and Santa Barbara Boulevard.
- ~~4.~~ Native vegetation shall be retained within the project buffers on the northern and western project boundaries, where feasible. Required supplemental plantings shall be native species. The northern buffer adjacent to the southern boundary of Tract 111, Golden Gate Estates, Unit 30, may also be utilized for the native vegetation preservation requirements for the project and shall include a concrete or pre-cast concrete privacy wall at a minimum of 6 feet in height, which shall be located on the southern boundary of the buffer/preserve. No setback from the buffer/preserve shall be required for this wall.

The North 330 feet of Tract 98, Unit 30, GGE, shall be limited to native preserve and water management areas, except that a vehicular drive and/or wall may be located within this area.

Native vegetation preservation areas may be utilized for water management purposes, when it can be demonstrated that the use for water management will not be harmful to the native vegetation, as provided for in Policy 6.1.1 of the Conservation and Coastal Management Element.

- ~~7.~~ A minimum buffer of thirty-five (35) feet in width shall be provided along the project's western boundary and along the eastern forty (40) percent of the project's northern boundary. A minimum buffer of fifty (50) feet in width shall be provided along the western sixty (60) percent of the project's northern boundary. Where feasible, existing native

(Words underlined are added, words struck through are deleted)

~~vegetation shall be retained within these buffers along the project's western and northern boundaries. These buffers shall be supplemented with Oak or Mahogany trees planted a maximum of twenty (20) feet apart in a staggered manner; and a seven (7) foot wall, fence, or hedge that will, within two (2) years of planting, grow to a minimum height of seven (7) feet and be a minimum of ninety-five (95) percent opaque.~~

- ~~58.~~ All buildings shall have tile or metal roofs, or decorative parapet walls above the roofline, and buildings shall be finished in light subdued colors except for decorative trim.
- ~~69.~~ Building heights shall be limited to one (1)-story and a maximum of thirty-five (35) feet.
- ~~740.~~ All lighting facilities shall be architecturally designed, and limited to a height of twenty-five (25) feet. ~~Such lighting facilities shall be~~ and shielded from neighboring residential land uses.
- ~~844.~~ There shall be no ingress or egress on Santa Barbara Boulevard. However, this shall not preclude future access to Santa Barbara Boulevard via frontage road or access easement.

Policy 5.2.3:

[revised text, page 12]

Recognizing the existing residential nature of the land uses surrounding the planned I-75 interchange at Golden Gate Parkway, as well as the restrictions on conditional uses of the Conditional Uses Subdistrict of the Golden Gate Area Master Plan, there shall be no further commercial zoning for properties abutting Golden Gate Parkway between Livingston Road and Santa Barbara Boulevard. No new commercial uses shall be permitted on properties abutting streets accessing Golden Gate Parkway within the above-defined segment. This policy shall not apply to ~~that existing portion of the Golden Gate Estates Commercial and Institutional Infill Subdistrict, which is located at the northwest corner of the intersection of Golden Gate Parkway and Santa Barbara Boulevard.~~

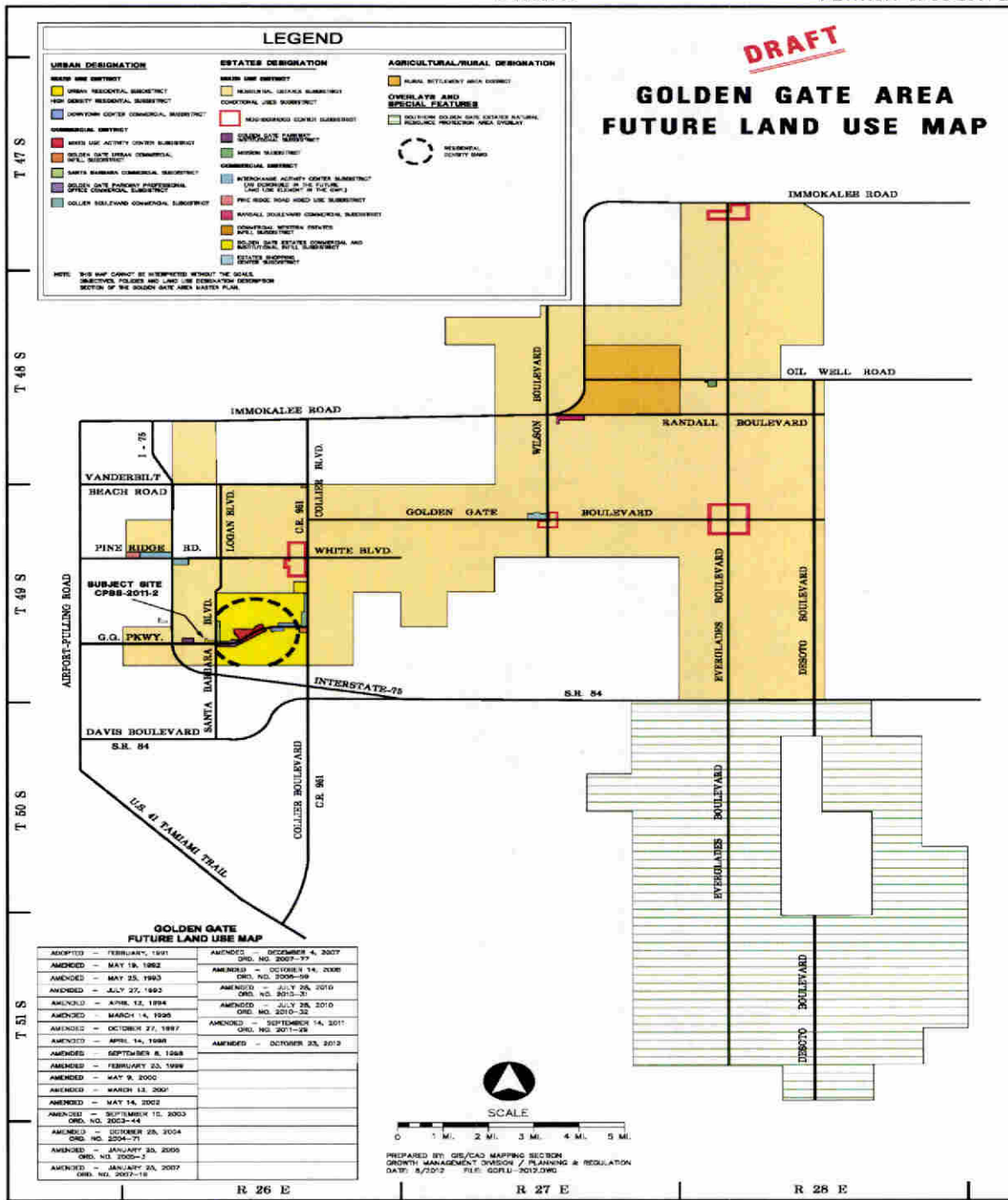
b) Golden Gate Parkway and Collier Boulevard Special Provisions [revised text, page 32]

- Recognizing the existing residential nature of the land uses surrounding the I-75 interchange at Golden Gate Parkway, there shall be no further conditional uses for properties abutting Golden Gate Parkway, between Livingston Road and Santa Barbara Boulevard, except as permitted within the Golden Gate Parkway Institutional Subdistrict; the Golden Gate Estates Commercial and Institutional Infill Subdistrict; and, except as provided in subparagraph 1., below; and, except for essential services, as described in paragraph a), above.
- Further, no properties abutting streets accessing Golden Gate Parkway, between Livingston Road and Santa Barbara Boulevard, shall be approved for conditional uses except as permitted within the Golden Gate Parkway Institutional Subdistrict; the Golden Gate Estates Commercial and Institutional Infill Subdistrict; and, except as provided in subparagraph 1., below; and, except for essential services, as described in paragraph a), above. This provision shall not be construed to affect the area described in Paragraph a), above.

(Words underlined are added, words ~~struck through~~ are deleted)

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**GOLDEN GATE AREA
FUTURE LAND USE MAP**



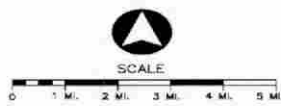
LEGEND

URBAN DESIGNATION	ESTATES DESIGNATION	AGRICULTURAL/RURAL DESIGNATION
<ul style="list-style-type: none"> RESID. USE SUBDISTRICT URBAN RESIDENTIAL SUBDISTRICT HIGH DENSITY RESIDENTIAL SUBDISTRICT UNIVERSITY CENTER COMMERCIAL SUBDISTRICT COMMERCIAL SUBDISTRICT INTERMEDIATE ACTIVITY CENTER SUBDISTRICT OFFICE CENTER COMMERCIAL SUBDISTRICT SANTA BARBARA COMMERCIAL SUBDISTRICT OFFICE CENTER COMMERCIAL SUBDISTRICT COLLEGE BUILDING COMMERCIAL SUBDISTRICT 	<ul style="list-style-type: none"> RESID. USE SUBDISTRICT RESIDENTIAL, UTILITY SUBDISTRICT CONVENTIONAL USE SUBDISTRICT HOUSING SUBDISTRICT CONDOMINIUM SUBDISTRICT HOUSING SUBDISTRICT COMMERCIAL SUBDISTRICT INTERMEDIATE ACTIVITY CENTER SUBDISTRICT (USE FUTURE IN THE FUTURE (USE FUTURE IN THE FUTURE)) PRE-ROAD ROAD HOOD USE SUBDISTRICT RANDALL BOULEVARD COMMERCIAL SUBDISTRICT CONVENTIONAL UTILITY SUBDISTRICT RESIDENTIAL, UTILITY SUBDISTRICT ESTATE RESIDING, FUTURE SUBDISTRICT 	<ul style="list-style-type: none"> RURAL SETTLEMENT AREA SUBDISTRICT OVERLAYS AND SPECIAL FEATURES MULTI-USE GOLDEN GATE ESTATES NATURAL RESOURCE PROTECTION AREA OVERLAY RESIDENTIAL DENSITY BOUND

NOTE: THIS MAP CANNOT BE INTERPRETED WITHOUT THE SCALE, DIMENSIONS, POLYLINE AND LAND USE DESIGNATION DESCRIPTION SECTION OF THE GOLDEN GATE AREA MASTER PLAN.

**GOLDEN GATE
FUTURE LAND USE MAP**

ADOPTED - FEBRUARY 1, 1991	AMENDED - DECEMBER 4, 2007 ORD. NO. 2007-77
AMENDED - MAY 19, 1992	AMENDED - OCTOBER 14, 2008 ORD. NO. 2008-89
AMENDED - MAY 25, 1993	AMENDED - JULY 26, 2010 ORD. NO. 2010-31
AMENDED - JULY 27, 1992	AMENDED - JULY 26, 2010 ORD. NO. 2010-32
AMENDED - APRIL 12, 1994	AMENDED - SEPTEMBER 14, 2011 ORD. NO. 2011-38
AMENDED - MARCH 14, 1995	AMENDED - OCTOBER 23, 2012
AMENDED - OCTOBER 27, 1997	
AMENDED - APRIL 14, 1998	
AMENDED - SEPTEMBER 8, 1998	
AMENDED - FEBRUARY 23, 1999	
AMENDED - MAY 9, 2000	
AMENDED - MARCH 12, 2001	
AMENDED - MAY 14, 2002	
AMENDED - SEPTEMBER 10, 2003 ORD. NO. 2003-44	
AMENDED - OCTOBER 28, 2004 ORD. NO. 2004-71	
AMENDED - JANUARY 20, 2005 ORD. NO. 2005-2	
AMENDED - JANUARY 20, 2007 ORD. NO. 2007-18	

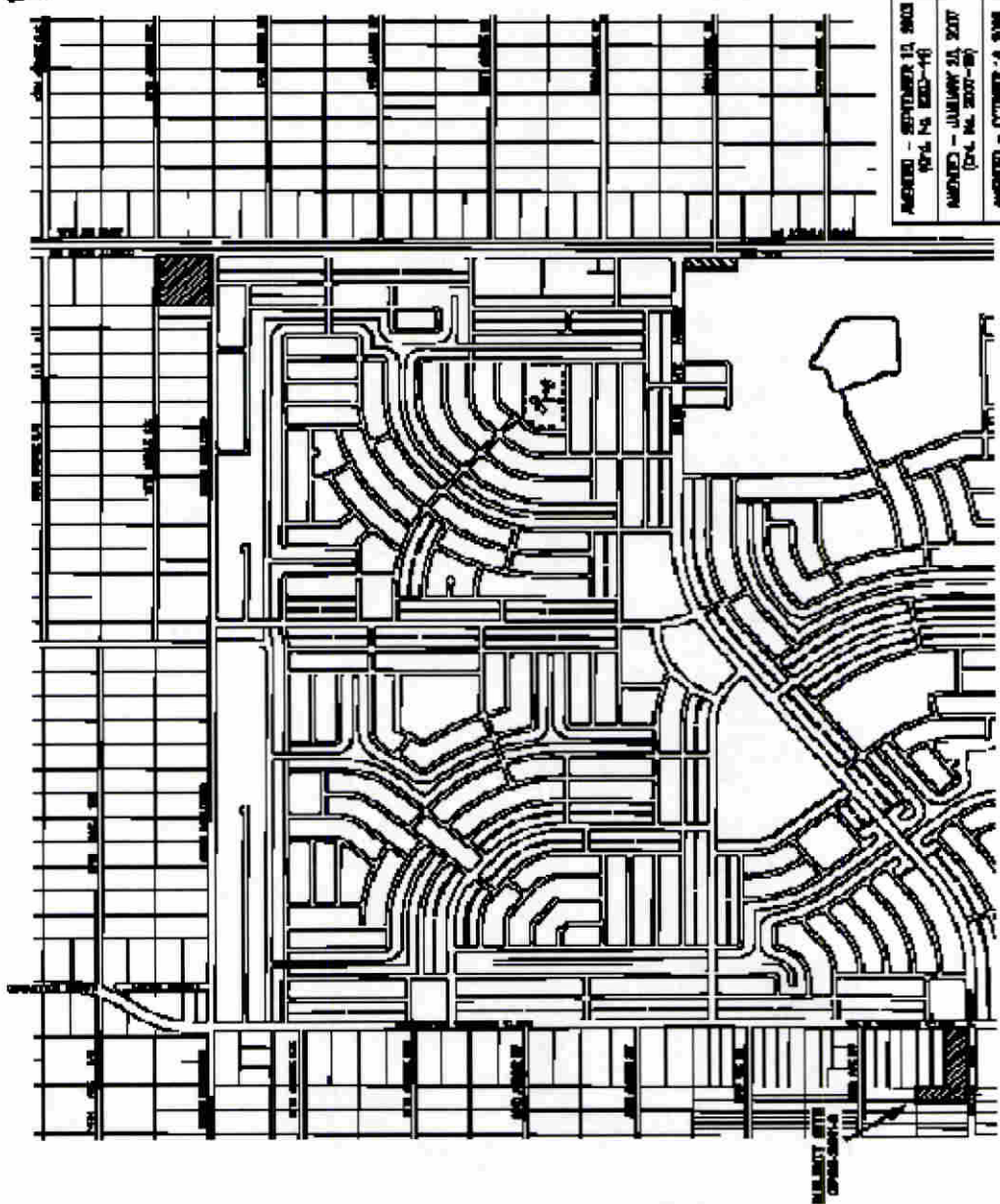


PREPARED BY: GIS/CAD MAPPING SECTION
GROWTH MANAGEMENT DIVISION / PLANNING & REGULATION
DATE: 8/2012 FILE: GGFLU-2012.DWG

(Words underlined are added, words struck through are deleted)

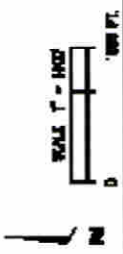
**GOLDEN GATE URBAN COMMERCIAL INFILL SUBDISTRICT AND
GOLDEN GATE ESTATES COMMERCIAL AND INSTITUTIONAL INFILL SUBDISTRICT
COLLIER COUNTY, FLORIDA**

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APPROVED - SEPTEMBER 10, 2003 Ord. No. 2003-16
APPROVED - JANUARY 21, 2007 Ord. No. 2007-09
APPROVED - OCTOBER 4, 2008 Ord. No. 2008-20
APPROVED - OCTOBER 21, 2012

PREPARED BY: JENNIFER MC DONALD, SUPPORT ENGINEER
COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES DIVISION
P.O. BOX 500, W. PALM BEACH, FL 33402



LEGEND

	GOLDEN GATE URBAN COMMERCIAL INFILL SUBDISTRICT
	GOLDEN GATE ESTATES COMMERCIAL AND INSTITUTIONAL INFILL SUBDISTRICT
	GOLDEN GATE URBAN COMMERCIAL INFILL SUBDISTRICT

(Words underlined are added, words struck through are deleted)