

RESOLUTION NO. 13- 264

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS PROPOSING AMENDMENT TO THE COLLIER COUNTY GROWTH MANAGEMENT PLAN, ORDINANCE 89-05, AS AMENDED, SPECIFICALLY AMENDING THE FUTURE LAND USE ELEMENT TO ALLOW THE URBAN RESIDENTIAL FRINGE PORTION OF THE NAPLES RESERVE RESIDENTIAL PLANNED UNIT DEVELOPMENT TO UTILIZE TRANSFER OF DEVELOPMENT RIGHTS FROM ANY LANDS DESIGNATED AS SENDING LANDS WITHIN THE RURAL FRINGE MIXED USE DISTRICT, AND FURTHERMORE RECOMMENDING TRANSMITTAL OF THE AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY. THE SUBJECT 668 ACRE PROPERTY IS LOCATED APPROXIMATELY 1-1/2 MILES EAST OF COLLIER BOULEVARD AND ONE MILE NORTH OF US 41 IN SECTION 1, TOWNSHIP 51 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA. [PL20130000139/CP-2013-1]**

WHEREAS, Collier County, pursuant to Section 163.3161, et. seq., Florida Statutes, the Florida Local Government Comprehensive Planning and Land Development Regulation Act of 1985, 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, Petitioners, Star Development Company and Wilton Land Company LLC, have initiated this amendment to the Future Land Use Element; and

WHEREAS, on September 9, 2013, the Collier County Planning Commission considered the proposed amendment to the Growth Management Plan pursuant to the authority granted to it by Section 163.3174, F.S., and has recommended approval of said amendment to the Board of County Commissioners; and

WHEREAS, on November 12, 2013, the Board of County Commissioners at a public hearing approved the transmittal of the proposed amendment to the state land planning agency in accordance with Section 163.3184, F.S.; and

WHEREAS, upon receipt of Collier County's proposed Growth Management Plan Amendment, various State agencies and the Department of Economic Opportunity (DEO) have

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thirty (30) days to review the proposed amendment and DEO must transmit, in writing, to Collier County its comments within said thirty (30) days pursuant to Section 163.3184, F.S.; and

WHEREAS, Collier County, upon receipt of the written comments from DEO must adopt, adopt with changes or not adopt the proposed Growth Management Plan Amendment within one hundred and eighty (180) days of such receipt pursuant to Section 163.3184, F.S.; and

WHEREAS, the DEO, within five (5) days of receipt of Collier County's adopted Growth Management Plan Amendment, must notify the County of any deficiencies of the Plan Amendment pursuant to Section 163.3184(3), F.S.

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

The Board of County Commissioners hereby approves the proposed Growth Management Plan Amendment, attached hereto as Exhibit "A" and incorporated by reference herein, for the purpose of transmittal to the Department of Economic Opportunity and other reviewing agencies thereby initiating the required State evaluation of the Growth Management Plan Amendment prior to final adoption.

THIS RESOLUTION ADOPTED after motion, second and majority vote this 12<sup>th</sup> day of November, 2013.

ATTEST:  
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

by: [Signature]  
Deputy Clerk  
Attest as to Chairman's  
signature only.

BY: [Signature]  
GEORGIA A. HILLER, ESQ.  
Chairwoman

Approved as to form and legality:

[Signature] *HFBK 10/11/13*  
Heidi Ashton-Cicko  
Managing Assistant County Attorney

State of Florida  
County of COLLIER

I HEREBY CERTIFY THAT this is a true and correct copy of a document on file in Board Minutes and Records of Collier County

WITNESS my hand and official seal this 12<sup>th</sup> day of November, 2013

Attachment: Exhibit "A"

DWIGHT E. BROCK, CLERK OF COURTS

CP\13-CMP-00903\5 - 7/16/13

by: [Signature] D.C. \_\_\_\_\_

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EXHIBIT "A"

FUTURE LAND USE ELEMENT

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2. Urban Residential Fringe Subdistrict:

The purpose of this Subdistrict is to provide transitional densities between the Urban Designated Area and the Agricultural/Rural Area and comprises approximately 5,500 acres and 5% of the Urban Mixed Use District. Residential land uses may be allowed at a maximum base density of 1.5 units per gross acre, plus any density bonus that may be achieved via CCME Policy 6.2.5 (6) b.1., and either "a" or "b" below:

- a. Up to 1.0 unit per gross acre via the transfer of up to one (1.0) dwelling unit (transferable development right) per acre from lands located within one mile of the Urban Boundary and designated as Rural Fringe Mixed Use District Sending Lands, except in the case of properties that straddle the Urban Residential Fringe and the Rural Fringe Mixed Use Sending Lands designations, and meet the other Density Blending criteria provided for in subsection 5.2 of the Density Rating System, which may achieve an additional maximum density of up to 1.3 units per gross acre for all lands designated as Urban Residential Fringe via the transfer of up to 1.3 dwelling units (transferable development rights) per acre from lands located within one mile of the Urban Boundary and designated as Rural Fringe Mixed Use District Sending Lands. The Urban Residential Fringe portion of the Naples Reserve Residential Planned Unit Development located in Section 1, Township 51 South, Range 26 East, shall not be subject to the one mile limitation set forth above and may utilize TDRs from any lands designated Sending within the Rural Fringe Mixed Use District to achieve up to the maximum allowable density; or,

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B. DENSITY RATING SYSTEM:

This Density Rating System is only applicable to areas designated on the Future Land Use Map as: Urban, Urban Mixed Use District; and, on a very limited basis, Agricultural/Rural. It is not applicable to the Urban areas encompassed by the Immokalee Area Master Plan, and the Golden Gate Area Master Plan; these two Elements have their own density provisions. The Density Rating System is applicable to that portion of the Urban Coastal Fringe Subdistrict to the extent that the residential density cap of 4 dwelling units per acre is not exceeded, except for the density bonus provisions for Affordable Housing and Transfer of Development Rights, and except as provided for in the Bayshore/Gateway Triangle Redevelopment Overlay. The final determination of permitted density via implementation of this Density Rating System is made by the Board of County Commissioners through an advertised public hearing process (rezone or Stewardship Receiving Area designation).

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**2. Density Bonuses**

Consistency with the following characteristics may add to the base density. Density bonuses are discretionary, not entitlements, and are dependent upon meeting the criteria for each bonus provision and compatibility with surrounding properties, as well as the rezone criteria in the Land Development Code.

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f. Transfer of Development Rights Bonus

To encourage preservation/conservation of natural resources, density transfers are permitted as follows:

- (a) From Urban designated areas into that portion of the Urban designated area subject to this Density Rating System, in accordance with the Transfer of Development Rights (TDR) provision contained in Section 2.03.07 of the Land Development Code, adopted by Ordinance No. #04-41, as amended, on June 22, 2004 and effective October 18, 2004. For projects utilizing this TDR process, density may be increased above and beyond the density otherwise allowed by the Density Rating System.
- (b) From Sending Lands in conjunction with qualified infill development.
- (c) From Sending Lands located within one mile of the Urban Boundary into lands designated Urban Residential Fringe, at a maximum density increase of one unit per gross acre, except for properties that straddle the Urban Residential Fringe and the Rural Fringe Mixed Use Sending Lands designations, and meet the other Density Blending criteria provided for in subsection 5.2 of the Density Rating System, which may transfer TDRs from Sending Lands located within one mile of the Urban Boundary into lands designated Urban Residential Fringe, at a maximum density increase of 1.3 units per gross acre. The Urban Residential Fringe portion of the Naples Reserve Residential Planned Unit Development located in Section 1, Township 51 South, Range 26 East, shall not be subject to the one mile limitation set forth above and may utilize TDRs from any lands designated Sending within the Rural Fringe Mixed Use District to achieve up to the maximum allowable density increase.

In no case shall density be transferred into the Coastal High Hazard Area from outside the Coastal High Hazard Area.

