

ORDINANCE NO. 15- _____

AN ORDINANCE AMENDING ORDINANCE 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN OF THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA SPECIFICALLY AMENDING THE FUTURE LAND USE ELEMENT TO INCREASE THE MAXIMUM ALLOWABLE RESIDENTIAL DENSITY THAT MAY BE ACHIEVED IN THE 196.4 ACRE UNDEVELOPED PORTION OF THE SAN MARINO RESIDENTIAL PLANNED UNIT DEVELOPMENT FROM 2.5 UNITS PER ACRE UTILIZING TRANSFER OF DEVELOPMENT RIGHTS ("TDRS") TO 3.02 UNITS PER ACRE UTILIZING TDRS, AND TO ALLOW THE TRANSFER OF RESIDENTIAL DENSITY TO THAT PORTION OF THE SAN MARINO RESIDENTIAL PLANNED UNIT DEVELOPMENT FROM SENDING LANDS LOCATED MORE THAN ONE (1) MILE FROM THE URBAN BOUNDARY, AND FURTHERMORE RECOMMENDING TRANSMITTAL OF THE ADOPTED AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY. THE SUBJECT 196.4-ACRE PROPERTY IS LOCATED EAST OF COLLIER BOULEVARD, APPROXIMATELY 1-1/2 MILES NORTH OF RATTLESNAKE-HAMMOCK ROAD IN SECTION 11, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA. [PL20140000113/CP-2014-2]

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, Petitioner, Stock Development, initiated this amendment to the Future Land Use Element; and

WHEREAS, Collier County transmitted the Growth Management Plan amendments to the Department of Economic Opportunity for preliminary review on December 19, 2014, after public hearings before the Collier County Planning Commission and the Board of County Commissioners; and

WHEREAS, the Department of Economic Opportunity reviewed the amendments to the Future Land Use Element 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 amendments to the Growth Management Plan; and

WHEREAS, Collier County has gathered and considered additional information, data and analysis supporting adoption of these amendments, including the following: the Collier County staff Report, the documents entitled Collier County Growth Management Plan Amendments 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 April 2, 2015, and the Collier County Board of County Commissioners held on _____; 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 AMENDMENTS TO THE GROWTH MANAGEMENT PLAN

The amendment to the Future Land Use Element 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 _____ 2015.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

Deputy Clerk

BY: _____
TIM NANCE, Chairman

Approved as to form and legality:

Heidi Ashton-Cicko
Managing Assistant County Attorney

*HFAC
2/27/15*

Attachment: Exhibit A – Text

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:

Within the Urban Residential Fringe, rezone requests are not subject to the density rating system, except as specifically provided below for the Affordable-workforce Housing Density Bonus. All rezones are encouraged to be in the form of a planned unit development. Proposed development in the Subdistrict shall be fully responsible for all necessary water management improvements, including the routing of all on-site and appropriate off-site water through the project's water management system, and a fair share cost of necessary improvements to the CR 951 canal/out-fall system made necessary by new development in the Subdistrict.

- 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~~ with the following exceptions:

- i. ~~p~~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; or,
- ii. 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,
- iii. Up to 1.52 additional units per acre may be achieved for Urban Residential Fringe lands within the 196.4 acre portion of the San Marino Planned Unit Development described below, via the transfer of 1.52 dwelling units (transferable development right) per acre. The Property shall not be subject to the one mile limitation set forth above and may utilize TDRs derived from any lands designated Sending within the Rural Fringe Mixed Use District to achieve up to the maximum allowable density. The Property is further described as follows:

That portion of the San Marino Planned Unit Development described in Ordinance No. 2000-10, as amended, excepting the ±39 acres located in the South ½ of the Southwest ¼ of the Northwest ¼ of Section 11, Township 50 South, Range 26 East, and in the Northwest ¼ of the Southwest ¼ of Section 11, Township 50 South, Range 26 East.

- b. In the case of properties specifically identified below, a density bonus of up to 6.0 additional units per gross acre may be requested for projects providing affordable-workforce housing (home ownership only) for low and moderate income residents of Collier County, pursuant to Section 2.06.00 of the Land Development Code, or its successor ordinance, except as provided for below:

~~Within the Urban Residential Fringe, rezone requests are not subject to the density rating system, except as specifically provided below for the Affordable-workforce Housing Density Bonus. All rezones are encouraged to be in the form of a planned unit development. Proposed development in the Subdistrict shall be fully responsible for all necessary water management improvements, including the routing of all on-site and appropriate off-site water through the project's water management system, and a fair share cost of necessary improvements to the CR 951 canal/out fall system made necessary by new development in the Subdistrict.~~

Properties eligible for the Affordable-workforce Housing Density Bonus (home ownership only) will be specifically identified herein. The actual number of bonus units per gross acre shall be reviewed and approved in accordance with the conditions and procedures set forth in Section 2.06.00 of the Land Development Code, except that, Section 2.06.03 shall not apply, and the number of dwelling units required to be sold to buyers earning 80% or less of Collier County's median income, as calculated annually by the Department of Housing and Urban Development (HUD), shall be at least thirty percent (30%).

The following properties are eligible for an Affordable-workforce Housing Density Bonus (home ownership only) of up to 6.0 additional dwelling units per acre.

- 4 j. Property located on the East side of Collier Boulevard (C.R. 951), approximately 6 tenths of a mile south of intersection with Rattlesnake Hammock Road (C.R. 864), in Section 23, Township 50 South, Range 26 East, Collier County, Florida, and further described as follows:

THE NORTH ½ OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ AND THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼, LESS THE NORTH THIRTY FEET FOR ROAD RIGHT OF WAY PURPOSES ONLY OF SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA LESS THE WEST 100 FEET THEREOF, AND;

THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼, LESS THE NORTH 30 FEET THEREOF FOR ROAD RIGHT OF WAY, SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, AND;

THE SOUTH ½ OF THE NORTH ½ OF THE WEST ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ AND THE SOUTH ½ OF THE WEST ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼, SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, OF COLLIER COUNTY, FLORIDA SUBJECT TO AN EASEMENT OVER AND ACROSS THE WEST 36 FEET THEREOF, AND;

AN EASEMENT 36 FEET IN WIDTH OVER AND ACROSS THE EAST 36 FEET OF THE NORTH ½ OF THE NORTH ½ OF THE WEST ½ OF THE NORTHEAST

¼ OF THE SOUTHWEST ¼, SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, OF COLLIER COUNTY, FLORIDA, AND TOGETHER WITH;

A STRIP OF LAND DESIGNATED AS RIGHT OF WAY OVER AND ACROSS THE NORTH 50 FEET OF THE SOUTH ½ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼, SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, OF COLLIER COUNTY FLORIDA, AND;

THE NORTH ½ OF THE NORTH ½ OF THE WEST ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼, SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, OF COLLIER COUNTY, FLORIDA, AND;

THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼, SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, OF COLLIER COUNTY, FLORIDA, AND;

THE EAST ½ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SOUTHWEST ¼ LESS THE NORTH 30 FEET FOR RIGHT OF WAY OF SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, OF COLLIER COUNTY, FLORIDA, AND;

THE NORTH ½ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼, LESS THE WEST 100 FEET OF SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, OF COLLIER COUNTY, FLORIDA, AND; THE EAST ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼, LESS THE NORTH 328.19 FEET OF SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, OF COLLIER COUNTY FLORIDA, CONTAINING 55 ACRES, MORE OR LESS.

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B. DENSITY RATING SYSTEM:

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2. Density Bonuses

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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 with the following exceptions:
 - i. pProperties 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

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

Boundary into lands designated Urban Residential Fringe, at a maximum density increase of 1.3 units per gross acre.

- ii. 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.
- iii. Up to 1.52 additional units per acre may be achieved for Urban Residential Fringe lands within the 196.4 acre portion of the San Marino Planned Unit Development described below, via the transfer of 1.52 dwelling units (transferable development right) per acre. The Property shall not be subject to the one mile limitation set forth above and may utilize TDRs derived from any lands designated Sending within the Rural Fringe Mixed Use District to achieve up to the maximum allowable density. The Property is further described as follows:

That portion of the San Marino Planned Unit Development described in Ordinance No. 2000-10, as amended, excepting the ±39 acres located in the South ½ of the Southwest ¼ of the Northwest ¼ of Section 11, Township 50 South, Range 26 East, and in the Northwest ¼ of the Southwest ¼ of Section 11, Township 50 South, Range 26 East.

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