

ORDINANCE NO. 18- 62

**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 IMMOKALEE AREA MASTER PLAN ELEMENT TO UPDATE TERMINOLOGY AND TO REVISE THE DENSITY RATING SYSTEM TO INCREASE THE MAXIMUM AFFORDABLE HOUSING BONUS FROM 8 TO 12 UNITS; 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 Immokalee Area Master Plan 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 IMMOKALEE AREA  
                                 MASTER PLAN ELEMENT OF THE GROWTH MANAGEMENT  
                                 PLAN

The amendment to the Immokalee Area Master Plan 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.

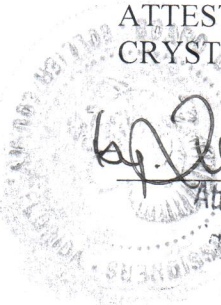
SECTION THREE:    EFFECTIVE DATE.

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 11<sup>th</sup> day of December, 2018.

ATTEST:  
CRYSTAL K. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

 Crystal K. Kinzel  
Attest as to Chairman's  
signature only.

BY: Andy Solis  
ANDY SOLIS, Chairman

Approved as to form and legality:

Heidi Ashton-Cicko *MFAC 11-5-18*  
Heidi Ashton-Cicko  
Managing Assistant County Attorney

Attachment: Exhibit A – Immokalee Area Master Plan Element

This ordinance filed with the  
Secretary of State's Office the  
18<sup>th</sup> day of December 2018  
and acknowledgement of that  
filing received this 18<sup>th</sup> day  
of December 2018  
By: Crystal K. Kinzel  
Deputy Clerk

Exhibit A

IMMOKALEE AREA MASTER PLAN

(Adopted October 1997, amended through March 10, 2015 by Ordinance no. 2015-22)

GOALS, OBJECTIVES AND POLICIES

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GOAL 2:

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OBJECTIVE 2.2:

[pg. 4]

Collier County has collected and will use the data resulting from the Immokalee Housing Initiative Program Survey to identify the current housing stock in order to address the affordable-workforce housing needs of the area.

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Policy 2.2.2:

[pg. 5]

The County shall continue to research initiatives such as land banking of foreclosed upon land due to County held liens, land grants from County and other public holdings, and tax incentives for private owners who commit to developing affordable-workforce housing.

OBJECTIVE 2.3:

The County will continue to explore and provide innovative programs and regulatory reforms that reduce the costs of development and maintenance of safe and sanitary affordable-workforce housing for Immokalee residents.

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Policy 2.3.2:

[pg. 5]

The County Operations Support and Housing Department will continue to promote public/private partnerships that address the availability of affordable-workforce housing by improving existing processes and implementing new processes of networking resources among private developers, contractors, County officials, and Immokalee residents seeking housing.

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Policy 2.3.4:

[pg. 5]

The Community Development and Environmental Services Division will research and develop strategies to replace and/or provide affordable-workforce housing through non-profit providers throughout the Immokalee Community Redevelopment Area.

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Policy 2.4.1:

[pg. 5]

The County Operations Support and Housing Department will meet with representatives of the Rural Economic Development Administration to improve the County's ability to attract government grants and loans to develop affordable-workforce housing.

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LAND USE DESIGNATION DESCRIPTION SECTION

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A. Urban – Mixed Use District

[pg. 9]

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Density Rating System

[pg. 12]

The Density Rating System is only applicable to areas designated Urban, Mixed Use District, as identified on the Immokalee Future Land Use Map. The Density Rating System is applicable to the Low Residential 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-workforce housing. Except as provided below, 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). Density achieved by right shall not be combined with density achieved through the rezone public hearing process.

1. The Density Rating System is applied in the following manner:

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[pg. 12]

- d. Within the applicable areas of the Mixed Use District, all properties zoned A, Rural Agricultural, and/or E, Estates, and/or RSF-1, 2, 3, Residential Single Family, for which an affordable-workforce housing project is proposed and approved, in accordance with Section 2.06.00 of the Land Development Code (Ordinance 04-41, as amended, ~~adopted June 22, 2004 and effective October 18, 2004~~), shall be permitted the base density of four (4) dwelling units per gross acre by right; that is, a rezone public hearing shall not be required. Such a project must comprise a minimum of ten acres. Density achieved by right shall not be combined with density achieved through the rezone public hearing process.

2. Density Bonuses

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- b. Affordable-workforce Housing Bonus, By Pubic Hearing

[pg. 13]

To encourage the provision of affordable-workforce housing within certain Subdistricts in the Urban Designated Area, a maximum of up to ~~eight (8)~~ twelve (12) residential units per gross acre may be added to the base density if the project meets the definition and requirements of the Affordable-workforce Housing Density Bonus Ordinance



(Section 2.06.00 of the Land Development Code, Ordinance 04-41, as amended), ~~adopted June 22, 2004 and effective October 19, 2004~~ and if the affordable housing units are targeted for families earning no greater than 140% of the median income for Collier County. This bonus may be applied to an entire project or portions of a project provided that the project is located within the Neighborhood Center (NC) Subdistrict, Commerce Center-Mixed Use (CC-MU) Subdistrict or any residential subdistrict.

c. ~~Affordable-workforce~~ Housing Bonus, By Right

To encourage the provision of affordable-~~workforce~~ housing within that portion of the Urban Mixed Use District, properties zoned A, Rural Agricultural, and/or E, Estates, and/or RSF-1, 2, 3, 4, 5, 6, Residential Single Family and/or RMF-6, Residential Multi-Family, for which an affordable-~~workforce~~ housing project is proposed in accordance with the definitions and requirements of the Affordable-~~workforce~~ Housing Density Bonus Ordinance (Section 2.06.00 of the Land Development Code, Ordinance 04-41, as amended, ~~adopted June 22, 2004 and effective October 18, 2004~~), a maximum of four (4) residential units per gross acre shall be added to the base density of 4 dwelling units per acre. Therefore, the maximum density that may be achieved by right shall not exceed eight (8) dwelling units per acre. Such a project must comprise a minimum of ten acres. Density achieved by right shall not be combined with density achieved through the rezone public hearing process.

(End of Exhibit for the Immokalee Area Master Plan)





## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

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. 18-62, which was filed in this office on December 18, 2018.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb