



AN ORDINANCE AMENDING ORDINANCE NUMBER 82-2, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY BY AMENDING SECTION 14, AMENDMENTS, SUBSECTION 14.13, LIMITATIONS ON THE REZONING OF PROPERTY, IN ORDER TO ELIMINATE THE REQUIREMENT OF TWO HUNDRED (200) FEET OF STREET FRONTAGE FOR REZONE PETITIONS THAT PROVIDE 80% OR MORE AFFORDABLE HOUSING UNITS; BY AMENDING SECTION 20, DEFINITIONS, TO ADD A DEFINITION OF "AFFORDABLE HOUSING"; BY PROVIDING FOR CONFLICT AND SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

DATE
1991

WHEREAS, on January 5, 1982, the Board of County Commissioners approved Ordinance Number 82-2, which established Section 14, Amendments, Subsection 14.13, Limitations on the Rezoning of Property, of the Collier County Zoning Ordinance; and

WHEREAS, Collier County has recognized and attempted to address the problem of lack of adequate and affordable housing for moderate, low, and very-low income households in the County and the need for innovative programs to assist in the provision of such housing by including several provisions in the Collier County Growth Management Plan, including Objective 1.4, Policy 1.4.1, Objective 1.5, Objective 1.6, Policy 1.6.3, Objective 2.1, and Policy 2.1.2, of the Housing Element, of the Collier County Growth Management Plan, and by providing that land development regulations be adopted and contain provisions to implement the Collier County Growth Management Plan; and

WHEREAS, Section 163.3201, Florida Statutes, provides that it is the intent of the Act that the adoption and enforcement by Collier County of land development regulations for the total unincorporated County shall be based on, be related to, and be a means of implementation for, the adopted Comprehensive Plan as required by the Act; and

WHEREAS, Section 163.3194(1)(b), Florida Statutes, requires that all land development regulations enacted or amended by Collier County shall be consistent with the adopted Comprehensive Plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the

adopted Comprehensive Plan, or element or portion thereof, shall be amended so as to be consistent; and

WHEREAS, this Ordinance to eliminate the requirement of two hundred (200) feet of street frontage for rezone petitions that provide 80% or more affordable housing units is part of the land development regulations required to be consistent with and implemented under the Collier County Growth Management Plan in that it encourages the development of affordable housing units for low and moderate income families including, but not limited to, farm workers, fishery workers, service workers, etc.; and

WHEREAS, Collier County finds that this Ordinance is intended and necessary to preserve and enhance the present advantages that exist in Collier County; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within the total unincorporated area of Collier County; and it is intended that this Ordinance preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, and general welfare of Collier County; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; conserve, develop, utilize, and protect natural resources within the jurisdiction of Collier County; and to protect human, environmental, social, and economic resources; and maintain, through orderly growth and development, the character and stability of present and future land uses and development in Collier County; and

WHEREAS, the Board of County Commissioners, directed its County staff to bring to the Board a petition to amend Ordinance Number 82-2, the Collier County Zoning Ordinance, as set forth below;

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida:

CCO PAGE 05

Words-struck-through are deleted; words underlined are added.

SECTION ONE: Amendment to Section 14, of Ordinance No. 82-2, the Collier County Zoning Ordinance

Section 14, Amendments, Subsection 14.13, Limitations on the Rezoning of Property, of Ordinance No. 82-2, the Zoning Ordinance of Collier County, Florida, is hereby amended to read as follows:

14.13 Limitations on the Rezoning of Property:

a. Except where the proposal for the rezoning of property involves an extension of an existing district boundary, no change in the zoning classification of land shall be considered which involves less than forty thousand (40,000) square feet of area and two hundred (200) feet of street frontage. However, the requirement of two hundred (200) feet of street frontage shall not apply to rezone petitions that provide 80% or more affordable housing units.

b. Whenever the Board of County Commissioners has denied an application for the rezoning of property, the Planning Commission shall not thereafter:

- 1) Consider any further application for the same rezoning of any part or all of the same property for a period of twelve (12) months from the date of such action;
- 2) Consider an application for any other kind of rezoning or any part or all of the same property for a period of six (6) months from the date of such action.

SECTION TWO: Definitions

Section 20, Definitions, of Ordinance No. 82-2, the Zoning Ordinance of Collier County, Florida, is hereby amended to incorporate the following:

Affordable Housing: A residential dwelling unit with a monthly rent or monthly mortgage payment, including property taxes and insurance, not in excess of one-twelfth (1/12) of 30 percent of an amount which represents 50 percent (for very low-income), 80 percent (for low-income), or 100 percent (for moderate income) of the median adjusted gross annual income for the household as published annually by the U.S. Department of Housing and Urban Development within the Naples Metropolitan Statistical Area (MSA).

SECTION THREE: Conflict and Severability

In the event this Ordinance conflicts with any other Ordinance of Collier County and other applicable law, the more restrictive shall apply. If any phrase or portion of the 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.

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Words-struck-through are deleted; words underlined are added.

SECTION FOUR: Effective Date

This Ordinance shall become effective upon receipt of notice from the Secretary of State that this Ordinance has been filed with the Secretary of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 27 day of December, 1990.

ATTEST:
JAMES C. GILES, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

[Signature]

BY: *[Signature]*
MAX A. HASSE, JR., CHAIRMAN

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

[Signature]
MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY

ZO-90-12 ORDINANCE
nb/3840

This ordinance filed with the
Secretary of State's Office the
2nd day of Jan, 1991
and acknowledgement of that
filing received this 27th day
of Jan, 1991
By *[Signature]*
Deputy Clerk

STATE OF FLORIDA)
COUNTY OF COLLIER)

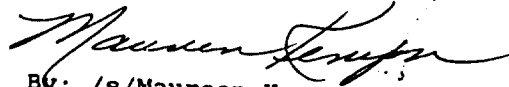
I, JAMES C. GILES, Clerk of Courts in and for the
Twentieth Judicial Circuit, Collier County, Florida, do
hereby certify that the foregoing is a true copy of:

Ordinance No. 90-113

which was adopted by the Board of County Commissioners on
the 27th day of December, 1990, during Special Session.

WITNESS my hand and the official seal of the Board of
County Commissioners of Collier County, Florida, this 31st
day of December, 1990.

JAMES C. GILES
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



By: /s/Maureen Kenyon
Deputy Clerk