

ORDINANCE NO. 2019-___

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 FUTURE LAND USE ELEMENT AND MIXED USE ACTIVITY CENTER #16 MAP BY DESIGNATING 10 ACRES IN THE COURTHOUSE SHADOWS MIXED-USE PLANNED UNIT DEVELOPMENT (MPUD) WITHIN THE BAYSHORE/GATEWAY TRIANGLE REDEVELOPMENT OVERLAY ELIGIBLE FOR RESIDENTIAL DEVELOPMENT UP TO 12.8 UNITS AN ACRE PLUS A BASE DENSITY OF 4 UNITS AN ACRE FOR THE MPUD AND UP TO 97 DENSITY POOL UNITS FOR THE MPUD AS DETERMINED BY A REZONE. THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF US 41 AND OPPOSITE AIRPORT PULLING ROAD IN SECTIONS 11, 12 AND 13, TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA CONSISTING OF 10 ACRES OF A 20.35+/- ACRE MPUD; AND BY PROVIDING AN EFFECTIVE DATE. [PL20180003659]

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, KRG Courthouse Shadows, LLC requested an amendment to the Future Land Use Element and Mixed Use Activity Center #16 Map; 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 a rural area of opportunity; and

WHEREAS, the Collier County Planning Commission (CCPC) on _____, considered the proposed amendment to the Growth Management Plan and recommended approval of said amendment 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 amendment to the Future Land Use Element and Future Land Use Map and Map Series of the Growth Management Plan on _____; 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 AMENDMENT TO THE GROWTH MANAGEMENT PLAN

The Board of County Commissioners hereby adopts this small scale amendment to the Future Land Use Element and Mixed Use Activity Center #16 Map in accordance with Section 163.3184, Florida Statutes. The text 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 _____, 2019.

ATTEST:
CRYSTAL K. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

Deputy Clerk

BY: _____
William L. McDaniel, Jr., Chairman

Approved as to form and legality:

Heidi Ashton-Cicko,
Managing Assistant County Attorney

H/FAC
9-3-19

Attachment: Exhibit A – Proposed Text Amendment & Map Amendment

EXHIBIT A
FUTURE LAND USE ELEMENT

FUTURE LAND USE DESIGNATION
DESCRIPTION SECTION

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I. URBAN DESIGNATION

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C. Urban Commercial District

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1. Mixed Use Activity Center Subdistrict

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[Beginning Page 57]

Mixed-use developments – whether consisting of residential units located above commercial uses, in an attached building, or in a freestanding building – are allowed and encouraged within Mixed Use Activity Centers. Density for such a project is calculated based upon the gross project acreage within the Activity Center. If such a project is located within the boundaries of a Mixed Use Activity Center which is not within the Urban Residential Fringe Subdistrict and is not within the Coastal High Hazard Area, the eligible density is sixteen (16) dwelling units per acre. If such a project is located within the boundaries of a Mixed Use Activity Center that is not within the Urban Residential Fringe Subdistrict but is within the Coastal High Hazard Area, the eligible density shall be limited to four (4) dwelling units per acre, except as allowed by the Bayshore/Gateway Triangle Redevelopment Overlay. (See paragraph F.6., Bayshore/Gateway Triangle Redevelopment Overlay.) If such a project is located within the boundaries of a Mixed Use Activity Center which is within the Urban Residential Fringe Subdistrict, eligible density shall be as allowed by that Subdistrict. For a project located partially within and partially outside of an Activity Center, and the portion within an Activity Center is developed as mixed use, some of the density accumulated from the Activity Center portion of the project may be distributed to that portion of the project located outside of the Activity Center. In order to promote compact and walkable mixed use projects, where the density from a mixed use project is distributed outside the Activity Center boundary:

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V. OVERLAYS AND SPECIAL FEATURES

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F. Bayshore/Gateway Triangle Redevelopment Overlay

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- 6. For parcels currently within the boundaries of Mixed Use Activity Center #16, land uses will continue to be governed by the Mixed Use Activity Center Subdistrict, except residential density may also be increased as provided for in paragraphs 4 and 5, above. The development standards of the Bayshore Drive Mixed Use Overlay District or Gateway Triangle Mixed Use Overlay District in the Collier County Land Development Code, whichever is applicable, shall apply to all new development within the Activity Center.

Also, a mixed-use project within Mixed Use Activity Center #16 that is located within the Courthouse Shadows Mixed Use Planned Unit Development (MPUD) that includes the ten-acre portion of the MPUD identified on Activity Center #16 Map in the Future Land Use Map series, is eligible for an additional 12.8 dwelling units per acre (128 units) beyond the four dwelling units per acre (40 units) already provided for in the Mixed Use Activity Center Subdistrict, and is eligible for 97 density bonus pool units. However, the 128 additional units shall only be located on that identified ten-acre portion of the MPUD.

ACTIVITY CENTER #16

~~DAVE BOULEVARD - 601 - 941 - SANTA BARBARA BOULEVARD - TAMAMI TRAIL (U.S. 41) - AIRPORT-PULLING ROAD (C.R. 31)~~
Collier County, Florida

AMENDED - SEPTEMBER 9, 2003 (Ord. No. 2003-43)
AMENDED - SEPTEMBER 13, 2011 (Ord. No. 2011-26)
AMENDED - JUNE 13, 2017 (Ord. No. 2017-22)
AMENDED - XXXX (Ord. No. XXXX)

LEGEND

- ACTIVITY CENTER BOUNDARY
- RSF-3** EXISTING ZONING
NOT PROVIDED FOR INFORMATIONAL PURPOSES ONLY; THE OFFICIAL SOURCE OF ZONING INFORMATION IS THE ZONING ATLAS SET WHICH IS PART OF THE COLLIER COUNTY LAND DEVELOPMENT CODE. ORDINANCE NO. 04-41, AS AMENDED
- DEVELOPED LAND USE
- EXISTING BUILDINGS AND STRUCTURES
- COURTHOUSE SHADOWS PUD 10-ACRE PORTION

