

## LAND DEVELOPMENT CODE AMENDMENT

### PETITION

PL2021000XXXX

### ORIGIN

Board of County  
Commissioners (Board)

### SUMMARY OF AMENDMENT

This Land Development Code (LDC) amendment serves to implement the modifications made to the Golden Gate Area Master Plan relative to “neighborhood churches,” as adopted on September 24, 2019. The amendment places limits on the hours of operation for churches located within certain zoning districts.

### HEARING DATES

BCC TBD  
CCPC TBD  
DSAC TBD  
DSAC-LDR TBD

### LDC SECTION TO BE AMENDED

2.03.01 Agricultural Districts  
2.03.03 Commercial Zoning Districts

### ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR  
TBD

DSAC  
TBD

CCPC  
TBD

### BACKGROUND

In February 2015, the Board directed staff to initiate a restudy of four Growth Management Plan (GMP) master plans for eastern Collier County, one of which being the Golden Gate Area Master Plan (GGAMP). The GGAMP restudy occurred over a nearly two-year period and included numerous public workshops, culminating in the development of a White Paper. The Board reviewed the White Paper in January 2018 and directed staff to proceed with the GMP amendment process.

Staff drafted changes to the GGAMP and presented them to the Board in January 2019. During the public hearing, however, the Golden Gate Estates Area Civic Association (GGEACA) suggested that further changes be made, including more guidelines and regulations specific to churches. The transmittal of the GGAMP was continued until the next meeting so that all commissioners would have the opportunity to review the changes requested by the GGEACA. On February 12, 2019, the Board reviewed the packet, including staff’s memorandum that identified all the instances in the GGAMP where the GGEACA requested the “neighborhood churches” terminology (see Exhibit “A”). Staff did not object to the new terminology but recognized that defining neighborhood churches and the public vetting of such terminology would occur during a separate and subsequent Land Development Code (LDC) amendment process. The Board voted to transmit the GGAMP amendment to the Florida Department of Economic Opportunity (DEO), including three modifications, one of which being the terminology related to neighborhood churches. The DEO and other state and regional agencies had no objection, recommendation, or comment to the changes proposed to the GGAMP, which included the references to neighborhood churches. Churches would continue as a permissible use within certain subdistricts of the GGAMP, but the new terminology is intended as an additional restriction.

On September 24, 2019, the Board approved a trifurcated version of the GGAMP, resulting in the adoption of nine separate ordinances (Ord. 2019-24 through Ord. 2019-31). The term neighborhood churches are referenced in two of the them: Ordinance 2019-25 - Urban Golden Gate Estates Sub-Element (see Exhibit B) and Ordinance 2019-26 - Rural Golden Gate Estates Sub-Element (see Exhibit C). Within these Sub-Elements, neighborhood churches are applicable in the following subdistricts:

1. Neighborhood Center Transitional Conditional Use Provisions (in Ord. 2019-25 and Ord. 2019-26)

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2. Golden Gate Parkway Institutional Subdistrict (in Ord. 2019-25)
  3. Transitional Areas (in Ord. 2019-26)

To ensure consistency is maintained between the GGAMP and the LDC, the following zoning districts shall be amended, in order to provide for the additional restriction placed on churches: Rural Agricultural District (A), Estate District (E), and Commercial Intermediate District (C-3). When researching other communities, it should be noted that staff did not find any other jurisdiction in Florida having a definition for “neighborhood church.”

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**FISCAL & OPERATIONAL IMPACTS**

No fiscal or operational impacts are anticipated to the County and stakeholders.

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**GMP CONSISTENCY**

To be provided by Comprehensive Planning Staff after first review.

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**EXHIBITS:** A) Excerpt from Memorandum to Board; B) Ord. 2019-25; C) Ord. 2019-26

Amend the LDC as follows:

## 2.03.01 – Agricultural Districts.

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A. Rural Agricultural District (A). The purpose and intent of the rural agricultural district (A) is to provide lands for agricultural, pastoral, and rural land uses by accommodating traditional agricultural, agricultural related activities and facilities, support facilities related to agricultural needs, and conservation uses. Uses that are generally considered compatible to agricultural uses that would not endanger or damage the agricultural, environmental, potable water, or wildlife resources of the County, are permissible as conditional uses in the A district. The A district corresponds to and implements the Agricultural/Rural land use designation on the future land use map of the Collier County GMP, and in some instances, may occur in the designated urban area. The maximum density permissible in the rural agricultural district within the urban mixed use district shall be guided, in part, by the density rating system contained in the future land use element of the GMP. The maximum density permissible or permitted in A district shall not exceed the density permissible under the density rating system. The maximum density permissible in the A district within the agricultural/rural district of the future land use element of the Collier County GMP shall be consistent with and not exceed the density permissible or permitted under the agricultural/rural district of the future land use element.

\* \* \* \* \*

c. *Conditional uses.* The following uses are permitted as conditional uses in the rural agricultural district (A), subject to the standards and procedures established in LDC section 10.08.00 and the Administrative Code.

\* \* \* \* \*

7. Churches, provided that the hours of operation shall not be earlier than 5:30 a.m. or later than 11:00 p.m., excluding special events, when such use is located in the following:

i. Neighborhood Center Transitional Conditional Use Subdistrict and the Golden Gate Parkway Institutional Subdistrict of the Urban Golden Gate Estates Sub-Element of the GGAMP; or

ii. Neighborhood Center Transitional Conditional Use Subdistrict and the Transitional Areas of the Rural Golden Gate Estates Sub-Element of the GGAMP.

B. Estate District (E). The purpose and intent of the estates district (E) is to provide lands for low density residential development in a semi-rural to rural environment, with limited agricultural activities. In addition to low density residential development with limited agricultural activities, the E district is also designed to accommodate as conditional uses, development that provides services for and is compatible with the low density residential, semi-rural and rural character of the E district. The E district corresponds to and implements the estates land use designation on the future land use map of the Collier

County GMP, although, in limited instances, it may occur outside of the estates land use designation. The maximum density permissible in the E district shall be consistent with and not exceed the density permissible or permitted under the estates district of the future land use element of the Collier County GMP as provided under the GGAMP ~~Golden Gate Master Plan~~.

\* \* \* \* \*

c. *Conditional uses.* For Estates zoning within the Golden Gate Estates subdivision, the Golden Gate Area Master Plan in the GMP restricts the location of conditional uses. The following uses are permissible as conditional uses in the estates district (E), subject to the standards and procedures established in LDC section 10.08.00:

1. Churches, provided that the hours of operation shall not be earlier than 5:30 a.m. or later than 11:00 p.m., excluding special events, when such use is located in the following:

i. Neighborhood Center Transitional Conditional Use Subdistrict and the Golden Gate Parkway Institutional Subdistrict of the Urban Golden Gate Estates Sub-Element of the GGAMP; or

ii. Neighborhood Center Transitional Conditional Use Subdistrict and the Transitional Areas of the Rural Golden Gate Estates Sub-Element of the GGAMP.

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### 2.03.03 - Commercial Zoning Districts

C. Commercial Intermediate District (C-3). The purpose and intent of the commercial intermediate district (C-3) is to provide for a wider variety of goods and services intended for areas expected to receive a higher degree of automobile traffic. The type and variety of goods and services are those that provide an opportunity for comparison shopping, have a trade area consisting of several neighborhoods, and are preferably located at the intersection of two-arterial level streets. Most activity centers meet this standard. This district is also intended to allow all of the uses permitted in the C-1 and C-2 zoning districts typically aggregated in planned shopping centers. This district is not intended to permit wholesaling type of uses, or land uses that have associated with them the need for outdoor storage of equipment and merchandise. A mixed-use project containing a residential component is permitted in this district subject to the criteria established herein. The C-3 district is permitted in accordance with the locational criteria for commercial and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. The maximum density permissible in the C-3 district and the urban mixed use land use designation shall be guided, in part, by the density rating system contained in the future land use element of the Collier County GMP. The maximum density permissible or permitted in the C-3 district shall not exceed the density permissible under the density rating system.

# DRAFT

Text underlined is new text to be added

~~Text strikethrough is current text to be deleted~~

1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as accessory or conditional uses within the commercial intermediate district (C-3).

a. Permitted uses.

\* \* \* \* \*

21. Churches, provided that the hours of operation shall not be earlier than 5:30 a.m. or later than 11:00 p.m., excluding special events, when such use is located in the following:

i. Neighborhood Center Transitional Conditional Use Subdistrict and the Golden Gate Parkway Institutional Subdistrict of the Urban Golden Gate Estates Sub-Element of the GGAMP; or

ii. Neighborhood Center Transitional Conditional Use Subdistrict and the Transitional Areas of the Rural Golden Gate Estates Sub-Element of the GGAMP.

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## Exhibit A – Excerpt from Memorandum to Board (01/25/2019)

developed) or directly adjacent to an intersection of a 4-lane or greater roadway with a 4-lane or greater roadway, existing or planned, as identified in the Metropolitan Planning Organization's Long-Range Transportation "cost feasible" plan.

After public input and deliberation, the CCPC recommended the following additional language related to conditional uses at major intersections: (new Section 2A(3)(d)(7)): "For a Transitional Conditional Use petition at a major intersection, in an effort to avoid the concentration of the same type of conditional use at a single intersection, the existing land uses at the intersection shall be considered."

The attached comments from the GGEACA request the elimination of these provisions. For reference, maps are attached to this memo indicating the locations of potential conditional uses under the current Master Plan (yellow) and the added locations allowable under the proposal reviewed by the CCPC (blue circles).

Staff recommends the retention of this CCPC-recommended addition to the potential conditional use locations in the Residential Estates Subdistrict.

2. The other comments submitted by the GGEACA relate to churches as a conditional use. The comments suggest a new term, "neighborhood church" in place of "church" in the conditional use provisions within the GGAMP. This suggestion has not been vetted with the public and has not been raised until now. Presumably, the definition of "neighborhood church" would be created through an LDC amendment process.

Staff has no objection to this change for transmittal so that it can be considered by the CCPC and the public during Adoption hearings, with the understanding that a definition will be adopted at a later date in the LDC.

It should also be noted that if the Board directs the bifurcation or trifurcation of the Master Plan, that work would be preformed prior to Transmittal to the State Department of Economic Opportunity, with the changes only considered administrative and not substantive.



## Exhibit B – Excerpt from Ord. 2019-25

c. Neighborhood Center Transitional Conditional Use Provisions:

Conditional uses shall be allowed immediately adjacent to designated Neighborhood Centers subject to the following criteria:

1. Properties eligible for conditional uses shall abut the arterial or collector road serving the Neighborhood Center,
2. Such uses shall be limited to transitional conditional uses that are compatible with both residential and commercial such as neighborhood churches, social or fraternal organizations, childcare centers, schools, and group care facilities,
3. All conditional uses shall make provisions for shared parking arrangements with adjoining developments whenever possible,
4. Conditional uses abutting Estates zoned property shall provide, at a minimum, a 75-foot buffer of native vegetation in which no parking or water management uses are permitted,
5. Conditional uses adjoining the commercial uses within Neighborhood Centers shall, whenever possible, share parking areas, access and curb cuts with the adjoining commercial use, in order to facilitate traffic movement.

d. Transitional Conditional Uses:

Conditional uses may be granted in Transitional Areas. A Transitional Area is defined as an area located between existing non-residential and residential areas. The purpose of this provision is to allow conditional uses in areas that are adjacent to existing non-residential uses and are therefore generally not appropriate for residential use. The conditional use will act as a buffer between non-residential and residential areas.

The following criteria shall apply for Transitional Conditional Use requests:

1. Site shall be directly adjacent to a non-residential use (zoned or developed);
2. Site shall be 2.25 acres, or more, in size or be at least 150 feet in width and shall not exceed 5 acres;
3. Site abutting Estates zoned property without an approved conditional use shall provide, at a minimum, a 75-foot buffer of native vegetation in which no parking or water management uses are permitted;
4. Site shall not be adjacent to a church or other place of worship, school, social or fraternal organization, child care center, convalescent home, hospice, rest home, home for the aged, adult foster home, children's home, rehabilitation centers;
5. Site shall not be adjacent to parks or open space and recreational uses; and
6. Site shall not be adjacent to permitted (by right) Essential Service uses, as identified in Section 2.01.03 of the Land Development Code, except may be located adjacent to libraries and museums. ~~and electrical substations.~~

e. Special Exceptions to Conditional Use Locational Criteria:

1. Temporary use (TU) permits for model homes, as defined in the Collier County Land Development Code, may be allowed anywhere within the Estates-Mixed Use District. Conditional use permits for the purpose of extending the time period for use of the structure as a model home shall be required, and shall be subject to the provisions of Section 5.04.04B. and C. of the Collier County Land Development Code, Ordinance No. 04-41, as amended. Such conditional uses shall not be subject to the locational criteria of the Conditional Uses Subdistrict, and may be allowed anywhere within the Estates-Mixed Use District.

## Exhibit B – Excerpt from Ord. 2019-25

2. Conditional Use permits for excavation, as provided for in the Estates zoning district, are not subject to the locational criteria for Conditional Uses and may be allowed anywhere within the Estates-Mixed Use District.
3. Conditional Use for a church or place of worship, as provided for in the Estates zoning district, is allowed on Tract 22, Golden Gate Estates, Unit 97 (See Special Exception to Conditional Use Location Criteria Map).
4. Conditional Use for a church or place of worship as allowed in the Estates Zoning District is allowed on the north 180 feet of Tract 107, Unit 30, Golden Gate Estates. Church-related day care use shall not be allowed. Development shall be limited to a maximum of 12,000 square feet of floor area (See Special Exception to Conditional Use Location Criteria Map).
5. Conditional Use for a cellular tower is allowed in the Estates Zoning District only on parcels no smaller than 2.25 acres and adjacent to a roadway classified within the Transportation Element as a Collector or Arterial.

### 4. Golden Gate Parkway Institutional Subdistrict

This Subdistrict is specific to Tracts 43, 50, 59, and 66 of Golden Gate Estates Unit 30, and includes four parcels of land containing approximately 16.3 acres, located on the north side of Golden Gate Parkway, east of I-75 and west of Santa Barbara Boulevard. The intent of the Golden Gate Parkway Institutional Subdistrict is to provide for the continued operation of existing uses, and the development and redevelopment of institutional and related uses. The Subdistrict is intended to be compatible with the neighboring residential uses and will utilize well-planned access points to ensure safe and convenient access onto Golden Gate Parkway.

The following institutional uses are permitted through the conditional use process within the Subdistrict:

- a. Neighborhood churches and other places of worship.
- b. Group care facilities (Categories I and II)
- c. Nursing homes and assisted living facilities associated with the David Lawrence Center.
- d. Essential services as set forth in Section 2.01.03 of the Collier County Land Development Code, Ordinance No. 04-41, as amended.
- e. Private schools associated with the David Lawrence Center or Parkway Community Church of God, for Tracts 43, 50 and 59 only.
- f. Day care centers associated with the David Lawrence Center or Parkway Community Church of God.
- g. Medical offices associated with the David Lawrence Center.

## B. Estates – Commercial District

### 1. Interchange Activity Center Subdistrict

On the fringes of the Golden Gate Area Master Plan boundaries, there are several parcels that are located within the Interchange Activity Center #10 at I-75 and Pine Ridge Road as detailed in the County-wide Future Land Use Element (FLUE). Parcels within this Activity Center are subject to the County-wide FLUE and not this Master Plan. See Activity Center and Pine Ridge Road Mixed Use Subdistrict Map for a detailed map of this Activity Center.



## Exhibit C – Excerpt from Ord. 2019-26

5. hospitals and hospices,
  6. water aeration or treatment plants,
  7. governmental facilities (except for those Permitted Uses identified in Section 2.01.03 of the Land Development Code),
  8. public water supply acquisition, withdrawal, or extraction facilities, and
  9. public safety service facilities, and other similar facilities.
- b. Neighborhood Center Transitional Conditional Use Provisions:  
Conditional uses shall be allowed immediately adjacent to designated Neighborhood Centers subject to the following criteria:
1. Properties eligible for conditional uses shall abut the arterial or collector road serving the Neighborhood Center,
  2. Such uses shall be limited to transitional conditional uses that are compatible with both residential and commercial such as neighborhood churches, social or fraternal organizations, childcare centers, schools, and group care facilities,
  3. All conditional uses shall make provisions for shared parking arrangements with adjoining developments whenever possible,
  4. Conditional uses abutting Estates zoned property shall provide, at a minimum, a 75-foot buffer of native vegetation in which no parking or water management uses are permitted,
  5. Conditional uses adjoining the commercial uses within Neighborhood Centers shall, whenever possible, share parking areas, access and curb cuts with the adjoining commercial use, in order to facilitate traffic movement.
- c. Transitional Conditional Uses:  
Conditional uses may be granted in Transitional Areas. A Transitional Area is defined as an area located between existing non-residential and residential areas. The purpose of this provision is to allow conditional uses in areas that are adjacent to existing non-residential uses and are therefore generally not appropriate for residential use. The conditional use will act as a buffer between non-residential and residential areas.
- The following criteria shall apply for Transitional Conditional Use requests:
1. Site shall be directly adjacent to a non-residential use (zoned or developed);
  2. Site shall be 2.25 acres, or more, in size or be at least 150 feet in width and shall not exceed 5 acres;
  3. Site abutting Estates zoned property without an approved conditional use shall provide, at a minimum, a 75-foot buffer of native vegetation in which no parking or water management uses are permitted;
  4. Site shall not be adjacent to a church, neighborhood church or other place of worship, school, social or fraternal organization, child care center, convalescent home, hospice, rest home, home for the aged, adult foster home, children's home, rehabilitation centers;
  5. Site shall not be adjacent to parks or open space and recreational uses; and
  6. Site shall not be adjacent to permitted (by right) Essential Service uses, as identified in Section 2.01.03 of the Land Development Code, except may be located adjacent to libraries and museums.
- d. Special Exceptions to Conditional Use Locational Criteria:
1. Temporary use (TU) permits for model homes, as defined in the Collier County Land Development Code, may be allowed anywhere within the Estates-Mixed Use