ORDINANCE NO. 18-______

AN ORDINANCE AMENDING ORDINANCE 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN OF THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, TO ADOPT AN AMENDMENT TO THE COLLIER COUNTY GROWTH MANAGEMENT PLAN RELATING TO AFFORDABLE HOUSING, SPECIFICALLY AMENDING THE FUTURE LAND USE ELEMENT TO UPDATE TERMINOLOGY AND TO REVISE THE DENSITY RATING SYSTEM TO INCREASE THE MAXIMUM AFFORDABLE HOUSING BONUS FROM 8 TO 12 UNITS; RECOMMENDING 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 Future Land Use 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 ______________, 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 AMENDMENT TO THE FUTURE LAND USE ELEMENT OF THE GROWTH MANAGEMENT PLAN

The amendment to the Future Land Use 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 ___ day of ____________________, 2018.

ATTEST:  
CRYSTAL K. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

______________________________  
Deputy Clerk

______________________________  
ANDY SOLIS, Chairman

Approved as to form and legality:

______________________________  
Heidi Ashton-Cicko  
Managing Assistant County Attorney

Attachment: Exhibit A – Future Land Use Element
Exhibit A

FUTURE LAND USE ELEMENT

(Adopted October 1997, amended through December 12, 2017 by Ordinance no. 2017-48)

FUTURE LAND USE DESIGNATION DESCRIPTION SECTION

I. URBAN DESIGNATION

A. Urban Mixed Use District

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.

b. In the case of properties specifically identified below, a density bonus of up to six (6) 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:

3. Urban Coastal Fringe Subdistrict

The purpose of this Subdistrict is to provide transitional densities between the Conservation designated area (primarily located to the south of the Subdistrict) and the remainder of the Urban designated area (primarily located to the north of the Subdistrict). The Subdistrict comprises those Urban areas south of US 41, generally east of the City of Naples, and generally west of the Rural Fringe Mixed Use District Neutral Lands, but excludes Section 13, Township 51 South, Range 26 East, and comprises approximately 11,354 acres and 10% of the Urban Mixed Use District. The entire Subdistrict is located seaward of the Coastal High Hazard Area Boundary. In order to facilitate hurricane evacuation and to protect the adjacent environmentally sensitive Conservation designated area, residential densities within the Subdistrict shall not exceed a maximum of four (4) dwelling units per acre, except as allowed in the Density Rating System to exceed four (4) units per acre through provision of Affordable Housing and Transfers of Development Rights, and except as allowed by certain FLUE Policies under Objective 5, and

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Row of asterisks (**** **** ****) denotes break in text.
except as provided in the Bayshore Gateway Triangle Redevelopment Overlay. New rezones to permit mobile home development within this Subdistrict are prohibited. Rezones are recommended to be in the form of a Planned Unit Development.

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10. Henderson Creek Mixed Use Subdistrict

The Henderson Creek Mixed Use Subdistrict consists of approximately 81 acres and is located east of Collier Boulevard (SR 951) and south of US 41 (Tamiami Trail, East). The intent of the Subdistrict is primarily to provide for a mixture of regional commercial uses and residential development; the regional commercial uses are intended to serve the South Naples and Royal Fakapalm Planning Communities, and the Marco Island area. Conversely, the primary intent of the Subdistrict is not to provide for community and neighborhood commercial uses. The focus of the residential component of the Subdistrict shall be the provision of affordable-workforce housing to support the commercial uses within the Subdistrict, as well as in the South Naples and Royal Fakapalm Planning Communities, and the Marco Island area. The entire Subdistrict shall be developed under a unified plan; this unified plan must be in the form of a Planned Unit Development.

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[pg. 38]

1. Residential development shall be limited to a maximum of 360 dwelling units, subject to the Density Rating System. However, a minimum of 200 affordable-workforce housing units shall be provided.

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11. Research and Technology Park Subdistrict

a. Research and Technology Parks shall be permitted to include up to 20% of the total acreage for non-target industry uses of the type identified in paragraph “d” below; and, up to 20% of the total acreage for affordable-workforce housing, except as provided in paragraph j below. Similarly, up to 20% of the total building square footage, exclusive of square footage for residential development, may contain non-target industry uses of the type identified in Paragraph d below.

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[pg. 39]

j. Research and Technology Parks shall only be allowed on land abutting residentially zoned property if the Park provides affordable-workforce housing. When abutting residentially zoned land, up to 40% of the Park’s total acreage may be devoted to affordable-workforce housing; all, or a portion, of the affordable-workforce housing is encouraged to be located proximate to such abutting land where feasible.

k. Whenever affordable-workforce housing is provided, it shall be fully integrated with other compatible uses in the park through mixed use buildings and/or through pedestrian and vehicular interconnections.

l. Whenever affordable-workforce housing is provided, it is allowed at a density consistent with the Density Rating System.

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Words underlined are added; words struck through are deleted.
Row of asterisks (****  ****  ****) denotes break in text.
13. Commercial Mixed Use Subdistrict: [pg. 41]

Residential density is calculated based upon the gross commercial project acreage. For property in the Urban Residential Fringe Subdistrict, density shall be as limited by that Subdistrict. For property not within the Urban Residential Fringe Subdistrict, but within the Coastal High Hazard Area, density shall be limited to four (4) dwelling units per acre; density in excess of three (3) dwelling units per acre must be comprised of affordable-workforce housing in accordance with Section 2.06.00 of the Land Development Code, Ordinance No. 04-41, as amended. For property not within the Urban Residential Fringe Subdistrict and not within the Coastal High Hazard Area, density shall be limited to sixteen (16) dwelling units per acre; density in excess of three (3) dwelling units per acre and up to eleven (11) dwelling units per acre must be comprised of affordable-workforce housing in accordance with Section 2.06.00 of the Land Development Code, Ordinance No. 04-41, as amended.

16. Collier Boulevard Community Facility Subdistrict [pg. 44]
The Collier Boulevard Community Facility Subdistrict comprises approximately 69 acres and is located on the east side of Collier Boulevard, approximately one-half mile north of the Collier Boulevard/Rattlesnake Hammock Road intersection. The purpose of this Subdistrict is to provide community facility uses, primarily institutional uses and other non-commercial uses generally serving the public at large, and residential uses, both affordable-workforce and market rate housing – all in a setting to be compatible with surrounding land uses. The Subdistrict is intended to contain a mix of uses and services in a self-sufficient environment, which lessens traffic impacts upon the external transportation network and public services, while serving the needs of the community at large.

f. One hundred forty-seven of the 296 affordable-workforce and market rate housing units, as they become available, will be offered first to persons involved in providing essential services in Collier County, as defined in the County’s Local Housing Assistance Plan.

g. To achieve the density of approximately 4.28 dwelling units per acre, and to allow development of the 192 non-church-related, non-base density dwelling units, the project shall comply with one or more of the following:

1) The Affordable-Workforce Housing Density Bonus provisions of the Collier County Land Development Code, Ordinance Number 04-41 in effect as of the date of adoption of this Subdistrict; or,

2) be designated as a Community Workforce Housing Innovation Program (CWHIP) Project by the State of Florida and comply with all requirements and limitations of that designation, and provide a minimum of eighty (80) essential services personnel dwelling units – comprised of a minimum of ten (10) dwelling units for those earning less than 80% of the median income of Collier County, and a minimum of seventy (70) dwelling units for those earning between 80% and 140% of the median income of Collier County; or,
3) enter into an agreement with Collier County assuring that no fewer than 147 affordable-workforce and market rate housing units are constructed and, as they become available, will be offered first to persons involved in providing essential services in Collier County, such agreement being in effect for not less than fifteen (15) years, including a minimum of thirty-five (35) dwelling units for those earning no more than 140% of the median income of Collier County, and a minimum of twenty-five (25) dwelling units for those earning no more than 80% of the median income.

h. No more than 57 market rate dwelling units shall be constructed prior to the construction of all affordable-workforce housing dwelling units.

B. DENSITY RATING SYSTEM:

As used in this density bonus provision, the term "affordable" shall be as defined in Chapter 420.9071, F.S. To encourage the provision of affordable-workforce housing within certain Districts and 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 requirements of the Affordable-Workforce Housing Density Bonus Ordinance (Section 2.06.00 of the Land Development Code, Ordinance No. 04-41, as amended, adopted June 22, 2004 and effective October 18, 2004), and if the affordable-workforce housing units are targeted for families earning no greater than 140% of the median income for Collier County. In the Urban Coastal Fringe Subdistrict, projects utilizing the Affordable-workforce Housing Density Bonus must provide appropriate mitigation consistent with Objective 12.1 and subsequent policies, as applicable, of the Conservation and Coastal Management Element. Also, for those specific properties identified within the Urban Residential Fringe Subdistrict, this density bonus is allowed but only to a maximum of six (6) residential units per gross acre. Additionally, the Affordable-workforce Housing Density Bonus may be utilized within the Agricultural/Rural designation, as provided for in the Rural Lands Stewardship Area Overlay, subject to the aforementioned Section 2.06.00 of the Land Development Code.

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

b. Within the Urban Residential Fringe Subdistrict, the Density Rating System is applicable for the Affordable-Workforce Housing Density Bonus only, as specifically provided for in that Subdistrict.

c. Within the Rural Lands Stewardship Area Overlay (RLSA), the Density Rating System is applicable for the Affordable-Workforce Housing Density Bonus only, as specifically provided for in the RLSA for Stewardship Receiving Areas.

2. Density Bonuses

As used in this density bonus provision, the term "affordable" shall be as defined in Chapter 420.9071, F.S. To encourage the provision of affordable-workforce housing

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within certain Districts and 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 requirements of the Affordable-Workforce Housing Density Bonus Ordinance (Section 2.06.00 of the Land Development Code, Ordinance No. 04-41, as amended, adopted June 22, 2004 and effective October 18, 2004), and if the affordable-workforce housing units are targeted for families earning no greater than 140% of the median income for Collier County. In the Urban Coastal Fringe Subdistrict, projects utilizing the Affordable-workforce Housing Density Bonus must provide appropriate mitigation consistent with Objective 12.1 and subsequent policies, as applicable, of the Conservation and Coastal Management Element. Also, for those specific properties identified within the Urban Residential Fringe Subdistrict, this density bonus is allowed but only to a maximum of six (6) residential units per gross acre. Additionally, the Affordable-workforce Housing Density Bonus may be utilized within the Agricultural/Rural designation, as provided for in the Rural Lands Stewardship Area Overlay, subject to the aforementioned Section 2.06.00 of the Land Development Code.

C. Urban Commercial District

1. Mixed Use Activity Center Subdistrict

For residential-only development, if a project is located within the boundaries of a Mixed Use Activity Center which is not within the Urban Residential Fringe Subdistrict or Urban Coastal Fringe Subdistrict, up to sixteen (16) residential units per gross acre may be permitted. If such a project is located within the boundaries of a Mixed Use Activity Center which is within the Urban Coastal Fringe Subdistrict, the eligible density shall be limited to four (4) dwelling units per acre, except as allowed by the density rating system and the 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 residential-only project located partially within and partially outside of an Activity Center, the density accumulated from the Activity Center portion of the project may be distributed throughout the project.

II. AGRICULTURAL/RURAL DESIGNATION

B. Rural Fringe Mixed Use District

3. Rural Villages:

Words underlined are added; words struck-through are deleted.
Row of asterisks (**** **** ****) denotes break in text.
C) Rural Village Sizes and Density:

3. Density shall be achieved as follows:

   c) Additional density between the minimum and maximum amounts established herein may be achieved through any of the following, either individually or in combination:

   3) A one-half (0.5) unit bonus for each (1) unit that is provided for lower low income residents and for entry-level and workforce buyers.

G) As part of the development of Rural Village provisions, ...the following shall be addressed:

2 Specific allocations for land uses including residential, commercial and other non-residential uses within Rural Villages, shall include, but are not limited to:

   • A mixture of housing types, including single-family attached and detached, as well as multi-family. Projects providing affordable-workforce housing as required in the Rural Fringe Mixed Use Overlay contained in the Collier County Land Development Code shall receive a credit of one-half (0.5) units for each (1) unit constructed. Collier County shall develop, as part of the Rural Village Overlay, a methodology for determining the rental and fee-simple market rates that will qualify for such a credit, and a system for tracking such credits.

V. OVERLAYS AND SPECIAL FEATURES

D. Rural Lands Stewardship Area Overlay

Group 1 [Policies]– General purpose and structure of the Collier County Rural Lands Stewardship Area Overlay

Policy 1.15:

Land becomes designated as an SRA upon the adoption of a resolution by the Collier County Board of County Commissioners (BCC) approving the petition by the property owner seeking such designation. Any change in the residential density or non-residential intensity of land use on a parcel of land located within a SRA shall be specified in the resolution reflecting the total number of transferable Credits assigned to the parcel of land.

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Density and intensity within the RLSA or within an SRA shall not be increased beyond the Baseline Standards except through the provisions of the Stewardship Credit System, the Affordable-Workforce Housing Density Bonus as referenced in the Density Rating System of the FLUE, and the density and intensity blending provision of the Immokalee Area Master Plan.

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Group 4 – Policies to enable conversion of rural lands to other uses in appropriate locations, while discouraging urban sprawl, and encouraging development that utilizes creative land use planning techniques by the establishment of Stewardship Receiving Areas.

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Policy 4.7:

There are four specific forms of SRA permitted within the Overlay. These are Towns, Villages, Hamlets, and Compact Rural Development (CRD). The Characteristics of Towns, Villages, Hamlets, and CRD are set forth in Attachment C and are generally described in Policies 4.7.1, 4.7.2, 4.7.3, and 4.7.4. Collier County shall establish more specific regulations, guidelines and standards within the LDC Stewardship District to guide the design and development of SRAs to include innovative planning and development strategies as set forth in Section 163.3168(2), Florida Statutes. The size and base density of each form shall be consistent with the standards set forth on Attachment C. The maximum base residential density as set forth in Attachment C may only be exceeded through the density blending process as set forth in density and intensity blending provision of the Immokalee Area Master Plan or through the affordable-workforce housing density bonus as referenced in the Density Rating System of the Future Land Use Element. The base residential density is calculated by dividing the total number of residential units in a SRA by the overall area therein. The base residential density does not restrict net residential density of parcels within a SRA. The location, size and density of each SRA will be determined on an individual basis during the SRA designation review and approval process.

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Policy 4.18:

[pg. 132]
The SRA will be planned and designed to be fiscally neutral or positive to Collier County at the horizon year based on a public facilities impact assessment, as identified in LDC 4.08.07.K. The BCC may grant exceptions to this Policy to accommodate affordable-workforce housing, as it deems appropriate. Techniques that may promote fiscal neutrality such as Community Development Districts, and other special districts, shall be encouraged. At a minimum, the assessment shall consider the following public facilities and services: transportation, potable water, wastewater, irrigation water, stormwater management, solid waste, parks, law enforcement, and schools. Development phasing, developer contributions and mitigation, and other public/private partnerships shall address any potential adverse impacts to adopted levels of service standards.

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F. Bayshore/Gateway Triangle Redevelopment Overlay

The Bayshore/Gateway Triangle Redevelopment ... provisions and restrictions apply to this Overlay:

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[pg. 141]

10. Only the affordable-workforce housing density bonus, as provided in the Density Rating System, is allowed in addition to the eligible density provided herein. For all properties, the maximum density allowed is that specified under Density Conditions in the Density Rating System.

(End of Exhibit for the Future Land Use Element)