ORDINANCE NO. 2018-__

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 GOLDEN GATE AREA MASTER PLAN AND GOLDEN GATE AREA FUTURE LAND USE MAP BY REVISING THE CONDITIONAL USES SUBDISTRICT TO ALLOW FOR THE CONSTRUCTION OF A CHURCH OR PLACE OF WORSHIP. THE SUBJECT PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF GOLDEN GATE BOULEVARD AND COLLIER BOULEVARD IN SECTION 11, TOWNSHIP 49 SOUTH, RANGE 26 EAST, CONSISTING OF 6.25 ACRES; AND FURTHERMORE, DIRECTING TRANSMITTAL OF THE ADOPTED AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. [PL20160002584]

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, Grace Romanian Baptist Church of Naples, Inc. requested an amendment to the Golden Gate Area Master Plan and Golden Gate Area Future Land Use Map to revise the Conditional Use Subdistrict to allow a church or house of worship; 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 an area of critical economic concern; and

WHEREAS, the Collier County Planning Commission (CCPC) on September 20, 2018 considered the proposed amendment to the Growth Management Plan and recommended approval of said amendment to the Board of County Commissioners; and

[17-CMP-00982/1436045/1] 123  Words underlined are added, words struck through have been deleted.
Grace Romanian Church GMPA
PL20160002584
9/20/18
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 of the Growth Management Plan on November 13, 2018; 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 AMENDMENTS TO THE GROWTH MANAGEMENT PLAN

The Board of County Commissioners hereby adopts this small scale amendment to the Golden Gate Area Master Plan and Golden Gate Area Future Land Use Map in accordance with Section 163.3184, Florida Statutes. The text and map amendments are attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION TWO: TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY

The Board of County Commissioners directs transmittal of the adopted amendment to the Florida Department of Economic Opportunity.

SECTION THREE: 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 FOUR: 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.

[17-CMP-00982/1436045/1] 123 Words underlined are added, words struck-through have been deleted.
PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this _____ day of ______________, 2018.

ATTEST:          BOARD OF COUNTY COMMISSIONERS
CRYSTAL K. KINZEL, CLERK  COLLIER COUNTY, FLORIDA

                     Deputy Clerk

                     ________________________
                     ANDY SOLIS, CHAIRMAN

Approved as to form and legality:

Heidi Ashton-Cicko, Managing Assistant County Attorney

Attachment: Exhibit A – Proposed Text and Map Amendment
EXHIBIT A

GOLDEN GATE AREA MASTER PLAN

2. ESTATES DESIGNATION

*** *** *** *** *** *** *** *** *** *** *** ***

A. Estates-Mixed Use District

*** *** *** *** *** *** *** *** *** *** *** ***

3. Conditional Uses Subdistrict

Various types of conditional uses are permitted in the Estates zoning district within the Golden Gate Estates area. In order to control the location and spacing of new conditional uses, one of the following four sets of criteria shall be met:

   a) Essential Services Conditional Use Provisions:

*** *** *** *** *** *** *** *** *** *** *** ***

   b) Golden Gate Parkway and Collier Boulevard Special Provisions:

*** *** *** *** *** *** *** *** *** *** *** ***

   c) Neighborhood Center Transitional Conditional Use Provisions:

*** *** *** *** *** *** *** *** *** *** *** ***

   d) Transitional Conditional Uses:

*** *** *** *** *** *** *** *** *** *** *** ***

   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.

Row of asterisks (*** *** ***) denotes break in text.
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.

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.

5. Conditional Use for a church or place of worship, as provided for in the Estates Zoning District, is allowed on Tract 16 and the west half of Tract 15, Golden Gate Estates, Unit 4 (see map titled Conditional Uses Subdistrict: Collier Boulevard Special Provisions).

*** *** *** *** *** *** *** *** *** *** ***

FUTURE LAND USE MAP SERIES

*** *** *** *** *** *** *** *** *** *** ***

Golden Gate Boulevard/Everglades Boulevard Center
Immokalee Road/Everglades Boulevard Center
Randall Boulevard Commercial Subdistrict
Commercial Western Estates Infill Subdistrict
Golden Gate Parkway Interchange Conditional Uses Area
Golden Gate Parkway Institutional Subdistrict
Mission Subdistrict
Estates Shopping Center Subdistrict
Estates Shopping Center Subdistrict Conceptual Plan
Everglades – Randall Subdistrict
Southbrooke Office Subdistrict
Conditional Uses Subdistrict: Golden Gate Parkway Special Provisions
Conditional Uses Subdistrict: Collier Boulevard Special Provisions

Words underlined are added; words struck through are deleted.
GOLDEN GATE AREA
FUTURE LAND USE MAP

NOTE:
This map is not scaled accurately. All calculations and measurements should be performed based on the actual map scale.

EXHIBIT "A"

GOLDEN GATE FUTURE LAND USE MAP

ADOPTED: FEBRUARY 1981
AMENDED: DECEMBER 4, 2007
(ORD NO. 2007.77)
AMENDED: MAY 18, 1993
(ORD NO. 1993.01)
AMENDED: MAY 29, 1993
(ORD NO. 1993.01)
AMENDED: JULY 27, 1993
(ORD NO. 1993.01)
AMENDED: APRIL 12, 1994
(ORD NO. 1994.04)
AMENDED: MARCH 14, 1995
(ORD NO. 1995.01)
AMENDED: OCTOBER 27, 1997
(ORD NO. 1997.01)
AMENDED: APRIL 14, 1998
(ORD NO. 1998.04)
AMENDED: SEPTEMBER 4, 1998
(ORD NO. 1998.09)
AMENDED: FEBRUARY 23, 1999
(ORD NO. 1999.02)
AMENDED: MAY 8, 2000
(ORD NO. 2000.05)
AMENDED: MARCH 13, 2001
(ORD NO. 2001.03)
AMENDED: MAY 14, 2002
AMENDED: AUGUST 15, 2002
(ORD NO. 2002.08)
AMENDED: OCTOBER 21, 2004
(ORD NO. 2004.04)
AMENDED: JANUARY 25, 2005
(ORD NO. 2005.04)
AMENDED: AUGUST 21, 2007
(ORD NO. 2007.77)
AMENDED: DECEMBER 4, 2007
(ORD NO. 2007.77)
AMENDED: DECEMBER 4, 2007
(ORD NO. 2007.77)
AMENDED: DECEMBER 4, 2007
(ORD NO. 2007.77)
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