ORDINANCE NO. 18-61

AN ORDINANCE AMENDING ORDINANCE 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN OF THE UNINCORPORATED AREA OF COLLIER COUNTY FLORIDA, ADOPTING AN AMENDMENT TO THE COLLIER COUNTY GROWTH MANAGEMENT PLAN RELATING TO AFFORDABLE HOUSING, SPECIFICALLY AMENDING THE GOLDEN GATE AREA MASTER PLAN ELEMENT TO UPDATE TERMINOLOGY AND TO REVISE THE DENSITY RATING SYSTEM TO INCREASE THE AFFORDABLE HOUSING BONUS FROM 8 TO 12 UNITS; DIRECTING 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 Golden Gate Area Master Plan 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 October 18, 2018, and the Collier County Board of County Commissioners held on December 11, 2018; 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 GOLDEN GATE AREA MASTER PLAN ELEMENT OF THE GROWTH MANAGEMENT PLAN

The amendment to the Golden Gate Area Master Plan 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 14th day of December, 2018.

ATTEST:
CRYSTAL K. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: ANDY SOLIS, Chairman

Approved as to form and legality:

Heidi Ashton-Cicko
Managing Assistant County Attorney

Attachment: Exhibit A – Golden Gate Area Master Plan Element
Exhibit A

GOLDEN GATE AREA MASTER PLAN

(Adopted October 1997, amended through June 13, 2017 by Ordinance no. 2017-23)

LAND USE DESIGNATION DESCRIPTION SECTION

1. URBAN DESIGNATION:

URBAN MIXED USE DISTRICT AND URBAN COMMERCIAL DISTRICT

A. Urban-Mixed Use District

1. Urban Residential Subdistrict

DENSITY RATING SYSTEM:

b. DENSITY BONUSES

iii. Affordable-workforce Housing Bonus

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 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 450 140% of the median income for Collier County.

(End of Exhibit for the Golden Gate Area Master Plan)
December 18, 2018

Ms. Crystal K. Kinzel, Clerk
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Teresa Cannon

Dear Ms. Kinzel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 18-61, which was filed in this office on December 18, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb