ORDINANCE NO. 20-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS AMENDING ORDINANCE 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN, SPECIFICALLY AMENDING THE FUTURE LAND USE ELEMENT AND MAP SERIES TO ADD THE VENTANA POINTE RESIDENTIAL OVERLAY, TO ALLOW A MAXIMUM DENSITY OF 77 DWELLING UNITS THROUGH A BASE DENSITY OF .2 DWELLING UNITS PER ACRE PLUS DENSITY BONUSES FOR NATIVE VEGETATION AND TRANSFER OF DEVELOPMENT RIGHTS FOR A TOTAL MAXIMUM DENSITY OF APPROXIMATELY 2 DWELLING UNITS PER ACRE, FOR PROPERTY WITHIN THE RURAL FRINGE MIXED USE DISTRICT RECEIVING LANDS, AND FURTHERMORE DIRECTING TRANSMITTAL OF THE AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF IMMOKALEE ROAD, APPROXIMATELY TWO MILES EAST OF COLLIER BOULEVARD, IN SECTION 25, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF 37.62± ACRES. [PL20180002668]

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, RJH II, LLC, requested an amendment to the Future Land Use Element and Map Series; and

WHEREAS, Collier County transmitted the Growth Management Plan amendments to the Department of Economic Opportunity for preliminary review on November 4, 2019, after public hearings before the Collier County Planning Commission and the Board of County Commissioners; and

WHEREAS, the Department of Economic Opportunity reviewed the amendments to the Future Land Use Element 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 amendments to the Growth Management Plan; and

WHEREAS, Collier County has gathered and considered additional information, data and analysis supporting adoption of these amendments, including the following: the Collier County Staff Report, the documents entitled Collier County Growth Management Plan Amendments 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 March 5, 2020, and the Collier County Board of County Commissioners held on April 14, 2020; 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 AMENDMENTS TO THE GROWTH MANAGEMENT PLAN

The amendments to the Future Land Use Element and Future Land Use Map and Map Series attached hereto as Exhibit “A” and incorporated herein by reference, are 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 ____________________ 2020.

ATTEST:  
CRYSTAL K. KINZEL, CLERK

______________________________  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

______________________________  
Burt L. Saunders, Chairman

Approved as to form and legality:

___________________________________________  
Heidi Ashton-Cicko  
Managing Assistant County Attorney

Attachment: Exhibit A – Text and Map
EXHIBIT A
FUTURE LAND USE ELEMENT

II. IMPLEMENTATION STRATEGY

GOALS, OBJECTIVES AND POLICIES

Policy 1.9:
Overlays and Special Features shall include:
A. Area of Critical State Concern Overlay
B. North Belle Meade Overlay
C. Ventana Pointe Residential Overlay
C. D. Natural Resource Protection Area Overlays
D. E. Rural Lands Stewardship Area Overlay
E. F. Airport Noise Area Overlay
F. G. Bayshore/Gateway Triangle Redevelopment Overlay
G. H. Urban-Rural Fringe Transition Zone Overlay
H. I. Coastal High Hazard Area Boundary
I. J. Incorporated Areas

V. OVERLAYS AND SPECIAL FEATURES

A. Area of Critical State Concern

B. North Belle Meade Overlay

C. Ventana Pointe Residential Overlay

1. Ventana Pointe Residential Overlay
   a. The Ventana Pointe Residential Overlay is located on the south side of Immokalee Road, approximately two (2) miles east of Collier Boulevard (approximately one (1) mile east of the Urban Boundary) and consists of 37.62± acres. The Overlay is within the Rural Fringe Mixed Use District (RFMUD) and is designated as Receiving Lands
   b. Development within the Overlay shall adhere to applicable RFMUD Receiving Lands standards and regulations, except where otherwise stated in this Overlay and subject to the following:
      (1) Primary access shall be via Immokalee Road,
      (2) Dwelling units shall be limited to single family detached,
   c. The maximum density shall be 77 dwelling units.
d. Density shall be achieved as follows:

(1) Base Density: 0.20 dwelling units per acre*; and

(2) Additional density may be achieved as follows:

(a) A density bonus of 0.1 units per gross acre in the Overlay shall be allowed for preservation of on-site native vegetation exceeding by at least 10% the minimum LDC required native vegetation retention amount. The density bonuses provided for in LDC Section 2.03.08.A.2.a.(2)(b)i. shall not be applicable in this Overlay; or

(b) Through the redemption of Transferable Development Rights (TDRs) as set forth in LDC Section 2.03.07.D.4., and

(c) For each full TDR credit redeemed pursuant to Paragraph b. above, one additional dwelling unit shall be granted if

i. The purchaser of the TDR credits enters into a contract to purchase TDR credits from Sending Lands that have not severed TDRs as of the date of the contract and the owner subsequently severs the TDR credits prior to closing on the sale of the TDR credits; or

ii. Such TDRs are granted in accordance with LDC Section 2.03.07.D.4.c.(i.a) – Environmental Restoration and Maintenance Bonus credits or from LDC Section 2.03.07.D.4.c.(ii.b) – Conveyance Bonus credits.

* Within this Overlay, for the purpose of calculating the final total number of dwelling units, a fractional unit shall be converted upward if one-half or more of a whole unit, or downward if less than one-half of a whole unit, to the nearest whole unit value.

e. Perimeter Landscape buffers shall be a minimum of twenty-five feet (25') in width and shall, at a minimum, meet the requirements for a Type "B" buffer set forth in LDC Section 4.06.02.C.2.

FUTURE LAND USE MAP SERIES

Future Land Use Map
Activity Center Index Map
Mixed Use & Interchange Activity Center Maps

East Tamiami Trail Commercial Infill Subdistrict Map
Seed to Table Commercial Subdistrict Map
Ventana Pointe Residential Overlay Map