

ORDINANCE NO. 2024- 51

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 FUTURE LAND USE ELEMENT AND MAP SERIES BY ADDING THE FIDDLER'S CREEK SECTION 29 DEVELOPMENT AREA AND AMENDING THE ALLOWABLE USES IN THE NEUTRAL LANDS WITHIN THE RURAL FRINGE MIXED USE DISTRICT, AGRICULTURAL/RURAL DESIGNATION, TO REMOVE DEVELOPMENT RESTRICTIONS ON SECTION 29 AND ALLOW 750 ADDITIONAL RESIDENTIAL DWELLING UNITS, 30% OF WHICH WILL BE RENT RESTRICTED AS AFFORDABLE, ON 49.91± ACRES OF PROPERTY LOCATED ¾ MILES SOUTH OF TAMIAMI TRAIL EAST (U.S. 41) AND ¾ MILES EAST OF AUTO RANCH ROAD, IN SECTION 29, TOWNSHIP 51 SOUTH, RANGE 27 EAST, COLLIER COUNTY, FLORIDA; AND FURTHERMORE, DIRECTING TRANSMITTAL OF THE ADOPTED AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMERCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. [PL20210003111]

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, FCC Preserve, LLC requested an amendment to the Future Land Use Element and Future Land Use Map and Map Series to add the Fiddler's Creek Section 29 Development Area and amend the allowable uses in the Neutral Lands within the Rural Fringe Mixed Use District, Agricultural/Rural Designation; and

WHEREAS, pursuant to Subsection 163.3187(1), Florida Statutes, this amendment is considered a Small-Scale Amendment; and

WHEREAS, the Development Area property is not located in an area of critical state concern or rural area of opportunity; and

WHEREAS, the Collier County Planning Commission (CCPC) on April 18, 2024, May 2, 2024 and July 18, 2024 considered the proposed amendment to the Growth Management Plan and recommended denial of said amendment to the Board of County Commissioners; and

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 and Future Land Use Map and Map Series of the Growth Management Plan on December 10, 2024; 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 AMENDMENT TO THE GROWTH
MANAGEMENT PLAN

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

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.

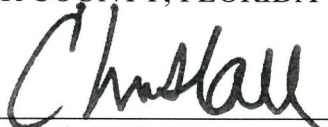
The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after Board adoption. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted 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.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this 10th day of December, 2024.

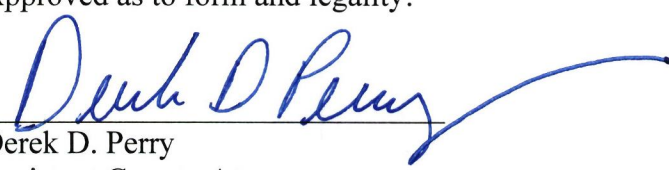
ATTEST:
CRYSTAL K. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 
Attest as to Chairman's Deputy Clerk
signature only

By: 
Chris Hall, Chairman

Approved as to form and legality:


Derek D. Perry
Assistant County Attorney

Attachment:

Exhibit "A" – Proposed Text Amendment & Map Amendment

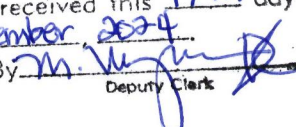
This ordinance filed with the
Secretary of State's Office the
16th day of December 2024
and acknowledgement of that
filing received this 17th day
of December 2024
By 
Deputy Clerk

EXHIBIT A

FUTURE LAND USE ELEMENT

*** **

Policy 1.9:

[page 11]

Overlays and Special Features shall include:

A. Area of Critical State Concern Overlay

N. Fiddler's Creek Section 29 Development Area

*** **

FUTURE LAND USE DESIGNATION

*** **

II. AGRICULTURAL/RURAL DESIGNATION

*** **

B. Rural Fringe Mixed Use District

*** **

B) Neutral Lands:

*** **

3. Allowable Uses:

*** **

- s) ~~Existing~~ Units approved for the Fiddler's Creek portion of the Marco Shores/Fiddler's Creek PUDDRI may be reallocated to those parts of Sections 18, and 19, and Township 51 South, Range 27 East added to Fiddler's Creek DRI together with part of Section 29, Township 51 South, Range 27 East, at a density greater than 1 unit per 5 gross acres provided that no new units are added to the 6,0006,750 previously approved permissible units, which results in a gross density of 4.61.717 units per acre for the Fiddler's Creek portion of the Marco Shores/Fiddler's Creek PUD DRI; and further provided that no residential units shall be located on that part of Section 29 within the Fiddler's Creek DRI; and further provided that South Florida Water Management District jurisdictional wetlands impacted by the DRI in said Sections do not exceed 10 acres.

Residential development of the Fiddler's Creek portion of the Marco Shores/Fiddler's Creek PUD units in Section 29, as shown on the Fiddler's Creek Section 29 Development Area Map shall be limited to a maximum of 49.9 acres with 750 residential units, provided that 15 percent of the units will be limited to those earning 80 percent or less of the Area Median Income (AMI) for Collier County and 15 percent of those units will be limited to those earning 81 percent to 100 percent of the AMI.

A. Affordable units. Of the dwelling units constructed within each phase in Section 29, the following requirements will apply:

- i. Fifteen percent (15%) of the total units will be rented to households whose incomes do not exceed eighty percent (80%) of the Area Median Income (AMI) for Collier County with corresponding rent limits as determined annually by the Florida Housing Finance Corporation or as otherwise provided by Collier County.
- ii. Fifteen percent (15%) of the total units will be rented to households whose incomes do not exceed one hundred percent (100%) of the AMI for Collier County with corresponding rent limits as determined annually by the Florida Housing Finance Corporation or as provided by Collier County.
- iii. The Affordable Units will be subject to the provisions under this subdivision for a period of thirty years (30) from the date of certificate of occupancy of the first Affordable Unit of each phase.
- iv. At each SDP or plat, no less than 30% of the total dwelling units will be identified as Affordable Units and shown on the SDP or plat with the required AMI percentage ranges.

B. Preference to Affordable Units shall be given to Essential Service Personnel (ESP) and military veterans.

- i. For the purposes of this ordinance, ESP means natural persons or families at least one of whom is employed as police or fire personnel, a childcare worker, a teacher or other educational personnel, health care personnel, skilled building trades personnel, active-duty military, or a governmental employee.
- ii. Each Affordable Unit will be held vacant and advertised for ESP and military veterans in accordance with paragraph iii below for a minimum of 90 days before the issuance of unit's certificate of occupancy. In the event that no ESP or military veteran rents the available Affordable Unit, then the unit may also be offered to the general public (non-ESP/ military veteran) but shall remain an Affordable Unit and be rent and income-restricted accordingly.

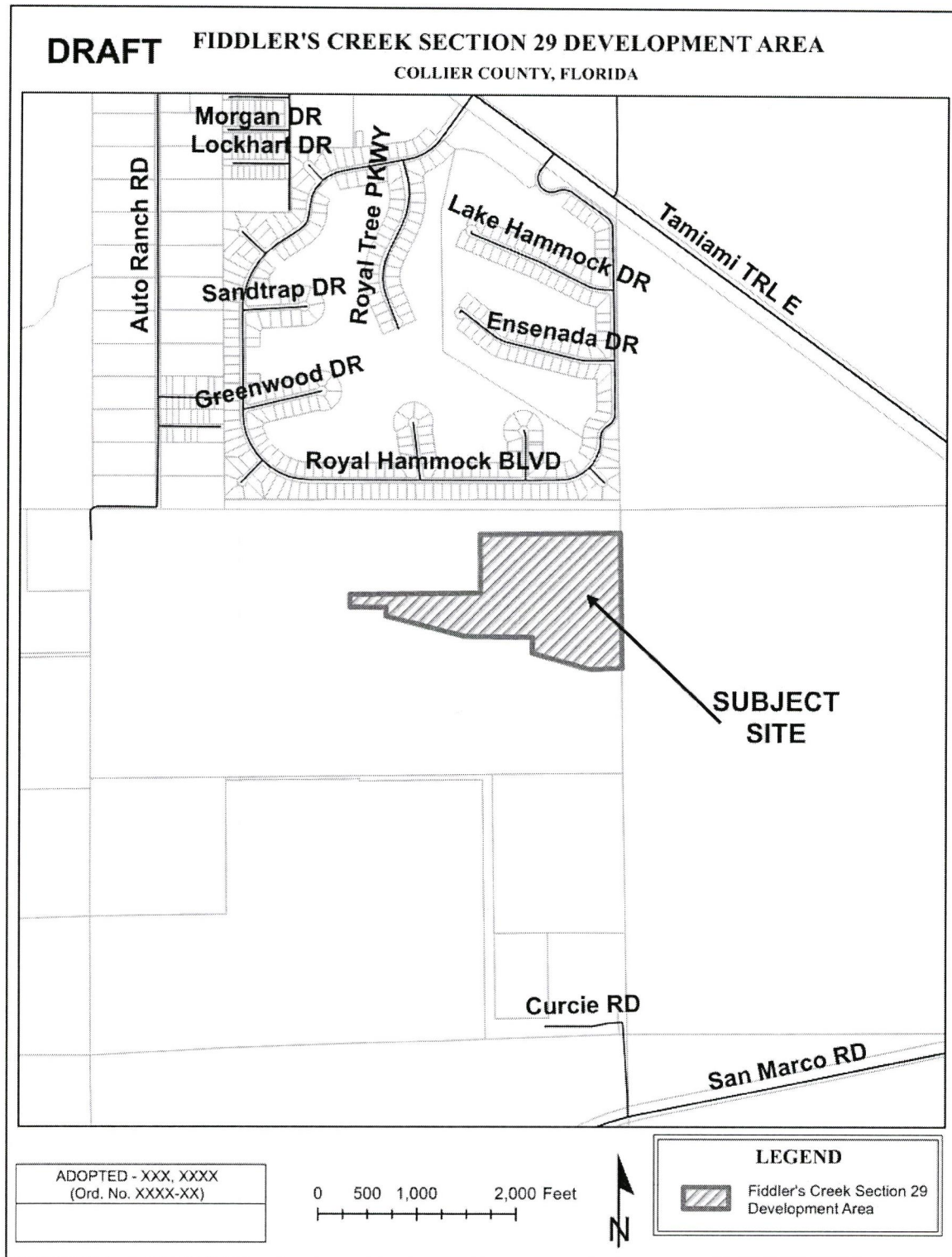
Each subsequent vacancy of an Affordable Unit shall be advertised to ESP and military veterans in accordance with paragraph iii below and may also be offered to the general public (non-ESP/ military veteran) but shall remain an Affordable Unit and be rent and income-restricted accordingly.

- iii. At a minimum, advertising will consist of providing written notice to the Collier County Community and Human Services Division and the human resource departments for local hospitals, the Collier County Public School District, Collier County Government, other municipalities within Collier County, all Emergency Medical Services and fire districts, and the Collier County Sheriff's Office.
- iv. Promotional materials for the development shall identify that the project prioritizes Affordable Units for ESP and military veteran households.
- v. The owner shall maintain a waiting list of pre-qualified ESP and military veteran renters for subsequent vacancies. Waitlist participants shall be notified in advance of subsequent vacancies.
- vi. This commitment for ESP and military veteran preference shall remain in effect for a period of 30 years from the date of issuance of the certificate of occupancy of the first Affordable Unit of each phase.

***** *** *** *** *** *** *** *** *** ***
 FUTURE LAND USE MAP SERIES

[page 164]

*** *** *** *** *** *** *** *** *** *** ***
 Airport Carlisle Mixed Use Subdistrict Map
Fiddler's Creek Section 29 Development Area Map





FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

December 17, 2024

Crystal K. Kinzel
Clerk of Court
Collier County
3329 Tamiami Trail E, Suite #401
Naples, FL 34112

Dear Crystal Kinzel,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2024-51, which was filed in this office on December 16, 2024.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL