

ORDINANCE NO. 2025- 30

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 TO AMEND THE NC SQUARE MIXED-USE OVERLAY TO CHANGE THE AFFORDABLE HOUSING REQUIREMENTS FROM 100% TO 30% OF THE PREVIOUSLY APPROVED 129 DWELLING UNITS, AND INCREASE THE COMMERCIAL USES TO 50,000 SQUARE FEET, AND FURTHERMORE DIRECTING TRANSMITTAL OF THE ADOPTED AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMERCE, AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. THE SUBJECT PROPERTY IS 24.4± ACRES AND LOCATED AT THE SOUTHWEST CORNER OF IMMOKALEE ROAD AND CATAWBA STREET APPROXIMATELY 1.6 MILES WEST OF WILSON BOULEVARD IN SECTION 29, TOWNSHIP 48 SOUTH, RANGE 27 EAST, COLLIER COUNTY, FLORIDA. [PL20230017980]

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, HAA Capital, LLC, requested an amendment to the Future Land Use Element; 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 a rural area of opportunity; and

WHEREAS, the Collier County Planning Commission (CCPC) on February 20, 2025 considered the proposed amendment to the Growth Management Plan and recommended approval 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 of the Growth Management Plan on July 8, 2025; 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 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 Commerce.

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.

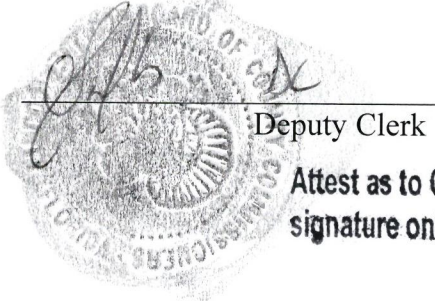
SECTION THREE: EFFECTIVE DATE.

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 commenced before it has become effective.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this 8th day of July 2025.

ATTEST:
CRYSTAL K. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA



Deputy Clerk

Attest as to Chairman's
signature only.

BY: Burt L. Saunders
Burt L. Saunders, Chairman

Approved as to form and legality:

Heidi Ashton-Cicko
Managing Assistant County Attorney

This ordinance filed with the
Secretary of State's Office the
7th day of July, 2025
and acknowledgement of that
filing received this 7th day
of July, 2025
By DC
Deputy Clerk

Attachment: Exhibit A – Text

Exhibit A

FUTURE LAND USE ELEMENT

TEXT BREAK

V. OVERLAYS AND SPECIAL FEATURES

TEXT BREAK

D. NC Square Mixed-Use Overlay

This overlay, comprising 24.4 acres, is located at the southwest corner of Immokalee Road and Catawba Street in Section 29, Township 48 South and Range 27 East, as shown on the Future Land Use Map (FLUM) and NC Square Mixed-Use Overlay Map. The purpose of this Overlay is to allow ~~a minimum of 120 affordable housing residential units not to exceed~~ a maximum of 129 affordable housing residential dwelling units, ~~a daycare center~~, and allow neighborhood commercial uses to serve surrounding residential areas and passerby traffic. This Overlay shall be subject to all Rural Fringe Mixed Use District Receiving Lands provisions, except as provided for herein.

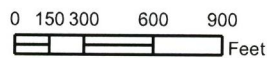
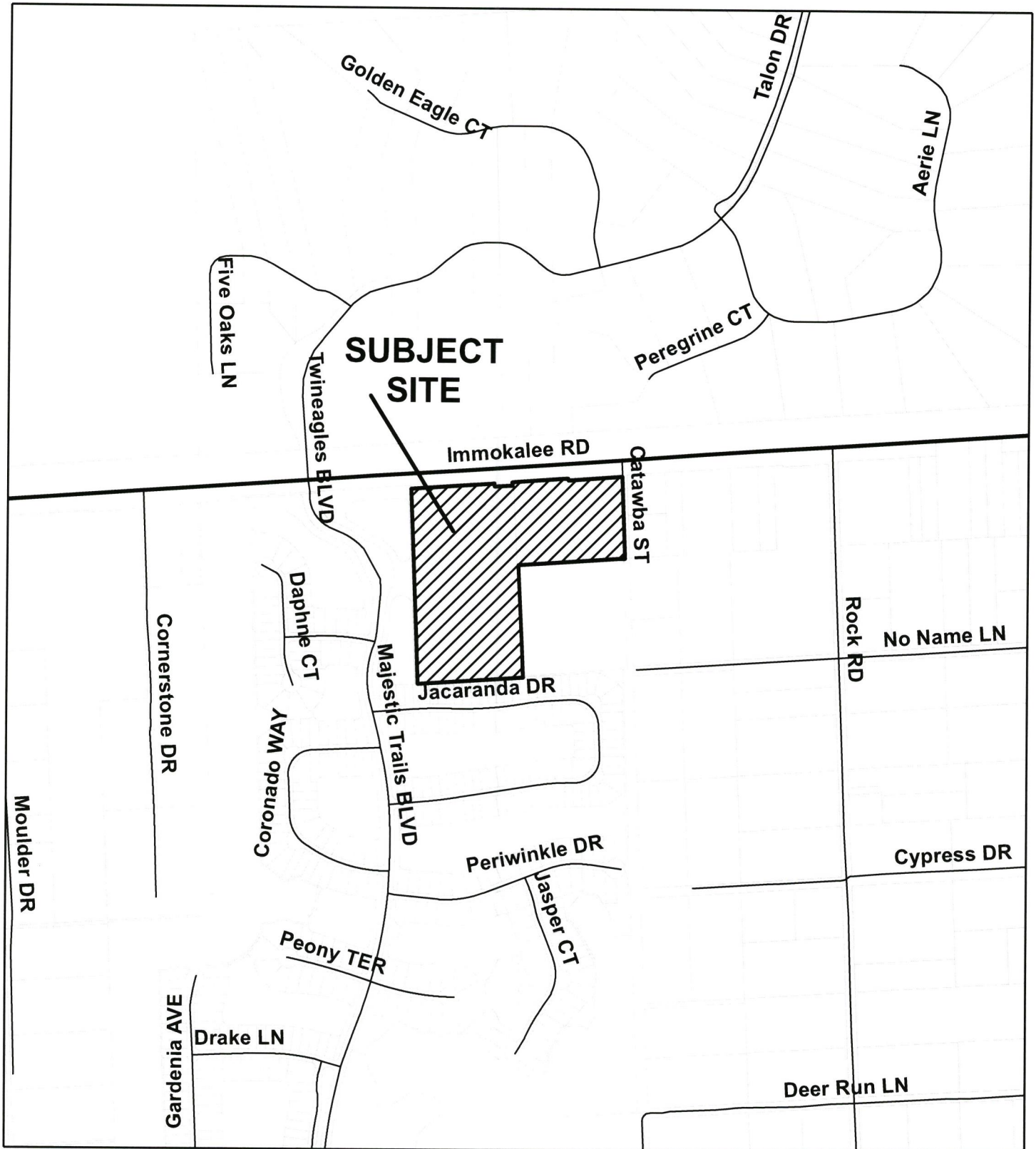
1. Development of this Overlay shall comply with the following requirements and limitations:

- a. Rezoning shall be in the form of a PUD, Planned Unit Development.
- b. This Overlay shall be limited to a maximum gross ~~leasable~~ floor area of ~~44,400 50,000~~ square feet of commercial uses provided in the implementing PUD ordinance, ~~and a maximum of 12,000 square feet for a daycare center, limited to 250 students.~~
- c. ~~This Overlay shall provide a minimum of 120 affordable housing residential units and shall not exceed a maximum of 129 affordable housing residential units. Density shall be through an Affordable Housing Agreement between the Owner and Collier County. The maximum density shall be 129 residential dwelling units.~~
- d. Fifteen percent (15%) of the dwelling units will be sold to households whose initial certified incomes are up to and include 120% of the Area Median Income for Collier County, and fifteen percent (15%) of the dwelling units will be sold to households whose initial certified incomes are up to and include 140% of the Area Median Income for Collier County.
- e. These units will be committed for a period of 30 years from the date of the issuance of the certificate of occupancy and sold to households that qualify for the designated income thresholds.
- f. Households shall occupy the property as their primary residence as evidenced by maintenance of homestead exemption.
- g. Prior to the initial sale of any of the affordable dwelling units, the owner and developer will record a restrictive covenant in the public records of Collier County identifying the affordable units and the income threshold pertaining to each unit. The covenant will state that each unit will be initially sold and subsequently sold to qualifying households for a period of 30 years from the issuance of the Certificate of Occupancy for each unit. The covenant will also state that at least 30 days prior to the initial sale and subsequent sale of any unit, the County's Community and Human Services Division or its designee, will be notified in writing and provided documents for income verification and certification on forms acceptable to Collier County. The closing on the sale may occur after the County, or its designee, confirms that the household qualifies for the designated income thresholds.

- h. For the purposes of this Ordinance, income verification and certification shall be based on the most recent year's filed income tax return for each occupant who had filed and will occupy the affordable housing unit. Income verification and certification for households or household members who had not filed the most recent year's tax return may be based on written verification to verify all regular sources of income to the household member. The written verification shall include, at a minimum, the purpose of the verification, a statement to release information, employer verification of gross annual income or rate of pay, number of hours worked, frequency of pay, bonuses, tips, and commissions and a signature block with the date of verification. The verification shall be valid for up to 90 days prior to occupancy. Upon expiration of the 90-day period, the information may be verbally updated from the original sources for an additional 30 days, provided it has been documented by the person preparing the original verification. After this time, a new verification form must be completed.
 - i. As part of the annual PUD monitoring report, the developer will include an annual report that provides the progress and monitoring of occupancy of the income-restricted units in a format approved by the Collier County Community and Human Services Division. The developer agrees to annual on-site monitoring by the County, or its designee.
2. The implementing PUD shall include provisions to:
- ~~1. Establish a minimum number of dwelling units to be built.~~
 - ~~2. Establish a minimum square foot of commercial uses to be built.~~
 - ~~3. a.~~ Address compatibility with surrounding properties.
 - ~~4. b.~~ Establish a common theme for architecture, signage and landscaping.
 - ~~5. c.~~ Provide pedestrian connectivity throughout the project.
 - ~~6. d.~~ Establish permitted and accessory uses and development standards from those C-1, Commercial and General Office District, through C-2, Commercial Convenience District, and those limited C-3, Commercial Intermediate District, uses appropriately suited to "neighborhood commercial" center.
 - ~~7. e.~~ Prohibit stand-alone drive-through restaurants and daycare centers.
 - ~~8. Develop a Wildfire Prevention and Mitigation Plan that will reduce the likelihood of threat to life and property from wildfires and incorporate the applicable elements of this plan into the companion PUD.~~
 - ~~9. f.~~ Distribute "A Guide to Living in Bear Country" to future commercial business owners and residential homeowners, as well as to construction/maintenance personnel, and utilize bear-proof dumpsters.

DRAFT

NC SQUARE MIXED USE OVERLAY
COLLIER COUNTY, FLORIDA



ADOPTED - APRIL 27, 2021 (Ord. No.2021-17)
AMENDED - XXXX (Ord. XXX)

Legend	
	NC SQUARE MIXED USE OVERLAY

Collier County Florida

Subject Site

[illegible]



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

July 10, 2025

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. 2025-30, which was filed in this office on July 10, 2025.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp