

1.5.H: Brief Assessment of Successes & Shortcomings – Future Land Use Element (FLUE)

A. Introduction & Background:

The Future Land Use Element (FLUE) of the Collier County Growth Management Plan (GMP) establishes the geographic framework for growth and development in Collier County. As such, the FLUE is the most frequently amended portion of the GMP. Since the adoption of the County's 1997 EAR-based Amendments, the FLUE has been amended on fourteen occasions.

The FLUE includes three major sections: an Overview, the Implementation Section, and a section containing land use data and analysis. The purpose of the Overview is to provide an introduction as to the purpose, basis and underlying concepts and special issues addressed by the FLUE. The Implementation Strategy is where the Element is brought into legal effect. Included within this section are the Goals, Objectives, Policies and the Future Land Use Map (FLUM). Collier County's FLUE is somewhat unique due to the emphasis given to the land use categories or designations contained in the Future Land Use Designation Description Section of the Implementation Strategy. This aspect is further described within the Objectives Analysis.

The third section consists of Support Document: Land Use Data and Analysis. The information provides a basis for the Implementation Strategy and serves to meet the requirements of Section 9J-5.006, Florida Administrative Code, minimum requirements for the FLUE.

The overall purpose of the FLUE is to guide decision-making with regard to regulatory, financial and programmatic matters pertaining to land use. This Element controls the location, type, intensity and timing of new or revised uses of land. The land use strategy is closely coordinated with the County's strategy for the provision of public facilities, as described in the Capital Improvements and Public Facility Elements (and Sub-elements) of the GMP and with the strategies to protect and conserve natural resources as found in the Conservation and Coastal Management Element.

B. Objectives Analysis:

The FLUE Implementation Strategy consists of a single Goal. The Goal reads:

TO GUIDE LAND USE DECISION-MAKING SO AS TO ACHIEVE AND MAINTAIN A HIGH QUALITY NATURAL AND HUMAN ENVIRONMENT WITH A WELL PLANNED MIX OF COMPATIBLE LAND USES WHICH PROMOTE THE PUBLIC'S HEALTH, SAFETY AND WELFARE CONSISTENT WITH STATE PLANNING REQUIREMENTS AND LOCAL DESIRES.

The EAR-based amendments will reflect no changes to this goal.

OBJECTIVE 1:

Unless otherwise permitted in the GMP, new or revised land uses shall be consistent with designations outlined on the FLUM. The FLUM and companion Future Land Use Designations, Districts and Sub-districts shall be binding on all development orders effective with the adoption of this GMP. Standards and permitted uses for each Future Land Use District and Subdistrict are identified in the Designation Description Section. Through the magnitude, location and configuration of its components, the FLUM is designed to coordinate land use with the natural environment including, topography, soil and other resources; promote a sound economy; coordinate coastal population densities with the Regional Hurricane Evacuation Plan; and discourage unacceptable levels of urban sprawl.

Objective Achievement Analysis:

The primary purpose of this Objective is to incorporate the various land use designations, as contained in the FLUE's Future Land Use Designation Description Section, into the Goals, Objectives and Policies of the GMP. This Objective will remain unchanged.

Policy Relevance:

There are five policies within this Objective. These policies reference the various land use designations contained within the Future Land Use Designation Description Section and require all future land uses to be consistent with the requirements contained under the various designations. As such, these policies are amended anytime that a new designation is added or an old designation is removed. Policy 1.1 lists the Future Land Use Districts and Subdistricts for the Urban Designation. Policy 1.2 lists the Districts and Subdistricts for the Agricultural/Rural Designation. Policy 1.3 references the Districts and Subdistricts included within the Estates Designation and notes that these are to be found within the Golden Gate Area Master Plan Element of this GMP (see Section 1.5.I of the Evaluation & Appraisal Report). Policy 1.4 references the FLUE's Conservation Land Use Designation. Policy 1.5 lists the FLUE's various Future Land Use Overlays and Special Features. The EAR-based amendments will reflect no changes to these policies. A more complete description of the Future Land Use Designation Description Section of the FLUE begins on 1.5.H.7.

OBJECTIVE 2:

The coordination of land uses with the availability of public facilities shall be accomplished through the Concurrency Management System of the Capital Improvements Element and implemented through the Adequate Public Facilities Ordinance of the Land Development Code (LDC).

Objective Achievement Analysis:

The purpose of this Objective is to incorporate the listed documents, by reference, into the FLUE. This Objective will remain as worded.

Policy Relevance:

There are three policies within this Objective. Policy 2.1 requires the County to prepare an Annual Update & Inventory Report (AUIR) relative to the County's public facilities. Comprehensive Planning staff typically coordinates preparation of this report. Policy 2.2 requires the County to take remedial action once an AUIR identifies a deficiency to a particular public facility. Policy 2.3 requires development projects seeking a Final Local Development Order to receive a Certificate of Adequate Public Facilities, guaranteeing that the proposed development meets concurrency requirements. These policies will remain as written.

OBJECTIVE 3:

Land development regulations have been adopted to implement this GMP pursuant to Chapter 163.3202, F.S. in order to ensure protection of natural and historic resources, the availability of land for utility facilities, promote compatible land uses within the airport noise zone and to provide for management of growth in an efficient and effective manner.

Objective Achievement Analysis:

The purpose of this Objective is to recognize the existence of the County's Land Development Code (LDC). The EAR-based amendments will reflect changes to recognize the recently adopted revisions to the Transportation Concurrency Management System.

Policy Relevance:

There are two policies within this Objective. Policy 3.1 recognizes specific provisions of the LDC relative to land development reviews. As part of the Planned Unit Development (PUD) process, proposed PUD's are required to comply with this Policy. In 2002, this policy was amended as part of the amendments establishing the Rural Fringe Mixed Use District (RFMUD). Staff recommends amending this Policy to recognize recently adopted revisions to the Transportation Concurrency Management System. Policy 3.2 recognizes that the LDC has been codified into a single ordinance. The EAR-based amendments will reflect the updating of this policy to reference the County's revised LDC, which will become effective on September 27, 2004.

OBJECTIVE 4:

In order to improve coordination of land uses with natural and historic resources, public facilities, economic development, housing and urban design, the FLUE shall be continually refined through detailed planning. Future studies might address specific geographic or issue areas. All future studies must be consistent with the GMP and further its intent.

Objective Achievement Analysis:

This Objective is a “catch-all” recognizing and incorporating by reference the GMP’s Master Plan Elements (see Sections 1.5.H, 1.5.I and 1.5.J of this EAR), and other planning efforts related to future land uses. This Objective will continue unchanged.

Policy Relevance:

There are ten policies within this Objective. Policy 4.1 recognizes the existence of the Golden Gate Area Master Plan (GGAMP) Element (see Section 1.5.I of this report). Staff recommends amending this policy to recognize new issue areas developed during the Phase I and Phase II GGAMP Restudy process. Policy 4.2 recognizes the existence of the Immokalee Area Master Plan (IAMP) Element (see Section 1.5.J of this report). This Element is currently under revision and will be amended as part of the EAR-based amendments. EAR-based amendments to Policy 4.2 will recognize any changes created through the IAMP amendment process.

Policy 4.3 recognizes the existence of the Marco Island Master Plan (MIMP) Element. As part of the EAR-based amendments, this Element will be deleted and certain Future Land Use Designation provisions will be incorporated into the FLUE (see Section 1.5.J of this report).

Policy 4.4 recognizes that Collier County, in conjunction with the City of Naples, has developed Corridor Management Plans for certain specific sections of roadways. It also recommends additional roadway sections that may be designated for preparation of Corridor Management Plans. EAR-based amendments will reflect the deletion of certain roadway segments covered under the recently adopted Transportation Concurrency Management System.

Policy 4.5 references staff’s periodically updated Industrial Land Use Study. A provision within this policy requires that it be updated upon completion of the “Economic Plan.” As the Board of County Commissioners (BCC) has recently adopted an Economic Element for the GMP, the EAR-based amendment process will include the required update of the Industrial Land Use Study.

Policy 4.6 references access management provisions for the Mixed-Use and Interchange Activity Centers. Minor text revisions for clarification will be included in the EAR-based amendments.

Policy 4.7 allows the BCC to consider preparation of redevelopment plans for certain areas of Collier County. To date, only one of these areas is designated as a Community Redevelopment Area (CRA). As part of the EAR-based amendments, the County will reevaluate the list of areas contained in this policy to allow the BCC to determine whether the specific areas should be designated as redevelopment areas.

Policy 4.8 references demographic update procedures. There will be no changes to this policy.

Policies 4.9 and 4.10 relate to the Rural & Agricultural Area Assessment. This Assessment was completed during 2002 and led to establishment of the RFMUD and the Rural Lands Stewardship Area Overlay (RLSA). Since these provisions are complete and adopted, both policies should be deleted through an EAR-based amendment.

OBJECTIVE 5:

In order to promote sound planning, protect environmentally sensitive lands and habitat for listed species while protecting private property rights, ensure compatibility of land uses and further the implementation of the Future Land Use Element, the following general land use policies shall be implemented upon the adoption of the Growth Management Plan.

Objective Achievement Analysis:

This Objective contains a number of general land use provisions, related to a variety of issues and concerns. This Objective will remain as written. However, minor changes will be made to certain policies within this Objective.

Policy Relevance:

There are thirteen policies within this Objective. Policy 5.1 requires all new rezonings to be consistent with the GMP. However, this policy also recognizes the results of the Zoning Re-evaluation Program. This program was completed in 1991, and it resulted in the adjustment of inconsistent, but not vested (i.e., not approved for a specific project) zoning to zoning consistent with GMP provisions. Certain, vested properties were recognized as being “properties consistent by policy.” Within certain limitations, these properties may retain their existing zoning and even expand (see Policies 5.9 – 5.12, in this Objective). However, any rezoning requested for these properties must comply with current GMP provisions. This Policy is the subject of two recent amendments that clarify the BCC’s intent with regard to changes to land use intensities for properties consistent by policy and allow for certain exceptions to the policy. No further changes to Policy 5.1 will be performed.

Policy 5.2 requires all proposed development to be consistent with the GMP and that the BCC cannot approve inconsistent proposals. No changes will be made regarding this policy.

Policy 5.3 discourages “unacceptable levels of urban sprawl.” This policy will be retained as written.

Policy 5.4 requires compatibility of new land uses with existing and surrounding land uses. EAR-based amendments will reflect the current LDC.

Policy 5.5 requires the County to encourage urban intensity uses in the existing urban designated areas before designating new areas for such uses. There will be no changes to this policy.

Policy 5.6 allows the County to permit certain “innovative approaches” to land development in order “to conserve open space and environmentally sensitive areas.” This policy will continue unchanged.

Policy 5.7 establishes a policy of encouraging recognition of identifiable communities within the western urban portion of Collier County. EAR-based amendments will encourage such recognition within all urbanized portions of Collier County.

Policy 5.8 allows the construction of group housing within the Urban Designated Area on the FLUM. It also allows the construction of family care facilities within residential areas. This policy will be retained in its current form.

Policy 5.9 refers to developed properties that are inconsistent with current GMP provisions. The policy declares that such properties are “properties consistent by policy,” and are to be identified on the FLUM series. This policy will be preserved.

Policy 5.10 refers to undeveloped properties having approved zoning that is inconsistent with the current GMP. These properties are considered “properties consistent by policy,” with certain limitations. This policy shall be preserved.

Policy 5.11 is concerned with commercial properties with zoning approved before the adoption of the 1989 GMP. These properties had been included in a special commercial subdistrict, referred to as the “Commercial Under Criteria” Subdistrict. The subdistrict is no longer in existence and these commercial properties are included within the “properties consistent by policy” provision. This policy will be preserved.

Policy 5.12 is similar to Policy 5.11, but refers to a former industrial subdistrict. This policy will be preserved.

Policy 5.13 recognizes certain properties located within designated Mixed-Use Activity Centers. These properties were rezoned during the interim period between the adoption of the FLUE in October 1997 and the County’s receipt of the Notice of Intent finding the FLUE “not in compliance.” These rezone actions were not effective due to the Notice of Intent finding the FLUE “not in compliance”, and the issuance of the Florida Administration Commission’s Final Order on June 22, 1999. Through an EAR-based amendment, this policy will be rewritten, as it appears to be incomplete.

(Note: During 2003, as part of an amendment to the Transportation Concurrency provisions, the BCC adopted a new Objective 6 that provides land use regulations and incentives relative to the adopted Transportation Concurrency Management Areas (TCMAs) and Transportation Concurrency Exception Area (TCEA). Because they are relatively new, Objective 6 and its policies do not warrant such recommended changes within this Evaluation & Appraisal Report.

Future Land Use Designation Description Section:

This section of the FLUE immediately follows the Goal, Objectives and Policies. The section describes the land use designations shown on the FLUM. These designations generally indicate the types of land uses for which zoning may be requested. However,

these land use designations do not guarantee that a zoning request will be approved. Requests may be denied by the BCC based on criteria in the LDC or on special studies completed for the County.

A unique aspect of the FLUE is the degree to which it relies on land use designations to enforce the provisions of the GMP. These designations are shown on the adopted FLUM, referenced in FLUE Goal 1, Objective 1.1, and the policies contained therein. The designations include geographic designations, districts, subdistricts and planning overlays. Though not considered Goals, Objectives and Policies, these “Future Land Use Designations” are part of the adopted portion of the FLUE, and therefore enforceable.

The Future Land Use Designation Description Section divides Collier County, via the FLUM, into four designations: Urban, Agricultural/Rural, Estates and Conservation. There is also a subsection regarding Overlays and Special Features. Within each designation, there are one or more “Districts.” However, the Estates Designation is discussed only briefly within the FLUE. Instead, information concerning the land use designations is contained in the GGAMP (see Section 1.5.I of this report).

The Urban Designation includes two general types of areas within unincorporated Collier County: Areas with the greatest residential densities and areas in close proximity to the residential areas, which either have or are projected to receive future urban support facilities and services. The GMP seeks to direct the majority of population growth and new intensive land uses into areas within the Urban Designation. Accordingly, the Urban Area is intended to accommodate residential uses and a great variety of non-residential uses. The entire Urban Designated Area, including Immokalee, represents less than 10% of unincorporated Collier County’s land area. The future land use designations for the Immokalee Urban Area are described in Section 1.5.J of this EAR and will not be discussed relative to the FLUE.

Within the Urban Designation are three Districts: the Urban-Mixed Use District, the Urban-Commercial District and the Urban-Industrial District. Each of these Districts includes two or more Subdistricts. The Urban Districts and Subdistricts are described below.

Urban-Mixed Use District:

The Urban-Mixed Use District is the largest of the three Urban Districts. It represents approximately 116,000 acres and is intended to accommodate a variety of residential and non-residential land uses, including mixed-use developments such as PUD’s. Certain industrial and commercial uses are also allowed subject to specific criteria. Within this District are thirteen subdistricts.

Urban Residential Subdistrict:

This is the largest of the Urban-Mixed Use Subdistricts. The majority of residential development in the Coastal Urban Area is contained within this Subdistrict. The purpose of the Subdistrict is to provide for higher residential density in an area with fewer natural resource constraints (than other subdistricts) and where existing and planned public facilities are concentrated. This Subdistrict comprises approximately 93,000 acres (or

80%) of the Urban-Mixed Use District. Maximum eligible residential density is determined through application of the Density Rating System, but cannot exceed 16 dwelling units per acre except in accordance with the Transfer of Development Rights (TDR) Section of the LDC.

Urban Coastal Fringe Subdistrict:

This Subdistrict includes that portion of unincorporated Collier County located south of US 41, between the City of Naples and Collier-Seminole State Park. It formerly included Marco Island (now incorporated) and comprises approximately 18,000 acres (or less than 15%) of the Urban-Mixed Use District. The purpose of this Subdistrict is to provide transitional densities between the Conservation Designated Area and the Urban Designated Area. To facilitate hurricane evacuation and to protect the adjacent environmentally sensitive Conservation Designated Area, residential densities within this Subdistrict are limited to a maximum of four dwelling units per acre, except as allowed in the Density Rating System through the provision of an affordable housing bonus and/or TDR's, and except as provided in the Bayshore/Gateway Triangle Redevelopment Overlay. New rezones to permit mobile home development within this Subdistrict are prohibited. All rezones are recommended to be in the form of a PUD application. The County recommends that the island of Key Marco, formerly governed by the provisions contained within the Marco Island Master Plan, be incorporated into the FLUE and FLUM, with related future land use provisions (see Section 1.5.K of this report).

Urban Residential Fringe Subdistrict:

The Urban Residential Fringe Subdistrict is located adjacent to the boundary of the Agricultural/Rural Designation, Rural Fringe Mixed-Use District, south of State Road 84/Davis Boulevard, east of County Road 951/Collier Boulevard, and north of U.S. 41. The purpose of this Subdistrict is to provide transitional residential densities between the Urban Designated Area and the Agricultural/Rural Area. The Subdistrict comprises approximately 5,500 acres (or 5%) of the Urban-Mixed Use District. The Subdistrict allows a maximum residential density of 1.5 units per gross acre, or up to 2.5 units per gross acre via the transfer of up to one dwelling unit per acre from lands designated as RFMUD Sending Lands. Certain properties specifically identified within the Subdistrict text, may receive a density bonus of up to six additional units per gross acre by providing affordable housing (home ownership only) for low- and moderate-income residents of the County. Otherwise, rezone requests for properties within the Urban Residential Fringe Subdistrict are not subject to the density rating system, but are subject to other specific criteria.

PUD Neighborhood Village Center Subdistrict:

This is a "floating" Subdistrict, not confined for use within a specific portion of the Urban-Mixed-Use area. The purpose of this Subdistrict is to allow for small-scale retail, offices, and service facilities to serve the daily needs of the residents of a PUD. The acreage eligible for Neighborhood Village Center designation and uses is sized in proportion to the number of units contained within the subject PUD, but in no event shall the acreage within the Village Center exceed 15 acres. Neighborhood Village Center uses may be combined with recreational facilities or other amenities of the PUD and are to be

conveniently located to serve the PUD. The Village Center is not allowed to have independent access to any roadway external to the PUD and must be integrated into the PUD. Phasing of construction of the Neighborhood Village Center is to be controlled so that it occurs concurrent with completion of the surrounding residential units. The PUD district of the LDC provides standards and principles regulating access, location and integration within the PUD of the Village Center, uses allowed in the Center, and square footage and/or acreage thresholds. As part of the EAR-based amendments, staff proposes to update the text of this Subdistrict to reflect the fact that relevant LDC provisions have been adopted and are in effect.

Business Park Subdistrict:

This is a “floating” Subdistrict, not confined for use within a specific portion of the Urban-Mixed Use Area. With somewhat different provisions, this Subdistrict may also be used within the Urban Commercial and Urban Industrial Districts. The Business Park Subdistrict provides for a mix of industrial and non-industrial uses, all designed within an attractive park-like environment, where building coverage ranges between 25% to 45% of the lot area and where landscaping provides for buffering of the industrial uses from surrounding areas, and where such landscaping may be enjoyed by the employees and patrons of the park. The Subdistrict contains specific criteria relative to the mix of uses allowed within the Business Park. Residential uses are not permitted within this Subdistrict. There is a 500-acre limit on the number of “business parks” permitted within the Urban-Mixed Use District.

Office and In-fill Commercial Subdistrict:

This is a “floating” Subdistrict, not confined to use within a specific portion of the Urban Mixed-Use Area. The Subdistrict is intended to allow low intensity office commercial or in-fill commercial development on small parcels within the Urban Mixed-Use District. Subject parcels must be located along arterial and collector roadways in areas where residential development may not be compatible or appropriate. Lower intensity office and commercial development attracts low traffic volumes on the abutting roadway(s) and is generally compatible with nearby residential and commercial development. Commercial uses allowed within this Subdistrict include C-1 through C-5 commercial zoning and commercial portions of PUD’s. Subject parcels may not exceed twelve acres in size and must meet specific spacing and locational criteria relative to adjacent land uses. A large number of specific criteria related to site design, zoning and other factors also apply. The maximum acreage within the Urban Mixed-Use District that may be utilized for the Office and Infill Commercial Subdistrict is 250 acres.

Traditional Neighborhood Design Subdistrict:

This is a “floating” Subdistrict, not confined for use within a specific portion of the Urban Mixed-Use Area. The purpose of this subdistrict is to encourage the development of Traditional Neighborhood Design (TND) projects. TND’s are typically human-scale, pedestrian oriented, interconnected residential neighborhood projects that are centered around a village green with a mix of commercial uses including retail, office and civic amenities that complement each other. Residential uses may be located above retail uses. A grid pattern is the basis for the transportation network. The “main street” component of

the TND is appropriately integrated within the TND and is sized in proportion to the scale of the project, with a maximum size of 15 acres of commercial permitted. An amendment to this Subdistrict was recently adopted, which incorporates “smart growth” principles into the Subdistrict. LDC standards are to be developed to regulate access, permitted uses, square footage and/or acreage thresholds, lot frontage dimensions, street widths, setbacks and other standards that are integral to this concept.

Orange Blossom Mixed-Use Subdistrict:

This Subdistrict applies to a specific geographic area, located in the vicinity of the intersection of Orange Blossom Drive and Airport-Pulling Road, in the north-central portion of the Coastal Urban Area. The purpose of this district is to allow for limited small-scale retail, office and residential uses, within a true mixed-use development. The Activity Centers to the North and South provide for large-scale commercial uses, while this subdistrict promotes small-scale mixed-use development with a pedestrian orientation, designed to serve the homes (both existing and future) in the immediate area. This Subdistrict is intended to serve as a prototype for future mixed-use nodes in other parts of the Urban Designation. Commercial uses within this Subdistrict are limited to those allowed in the C-1, C-2 and C-3 zoning districts, with certain exceptions. The Subdistrict allows residential development, subject to the Density Rating System. Rezoning is encouraged to be in the form of a PUD. The Subdistrict places limits on retail and office uses for any single development project. The Subdistrict also contains a number of zoning, landscaping and building design criteria.

Goodlette/Pine Ridge Commercial Infill Subdistrict:

This Subdistrict is located in the northeast quadrant of the intersection of Pine Ridge Road and Goodlette Road. It consists of approximately thirty-one acres. The intent of the Goodlette/Pine Ridge Commercial Infill Subdistrict is to provide shopping, personal services and employment for the surrounding residential areas. The Subdistrict is intended to be compatible with the neighboring Pine Ridge Middle School and nearby residential development and therefore, emphasis has been placed on common building architecture, signage, landscape design and site accessibility for pedestrians and bicyclists, as well as motor vehicles. Development intensity within this district is limited to single-story retail uses, while professional or medical related offices, including financial institutions, may occur in three-story buildings. A maximum of 275,000 square feet of gross leasable area for retail commercial and office and financial institution development may occur within this subdistrict. Retail uses are limited to a maximum of 125,000 square feet of gross leasable area on the south \pm 23 acres. No individual retail tenant within the subdistrict may exceed 65,000 square feet of gross leasable area.

Vanderbilt Beach/Collier Boulevard Commercial Subdistrict:

This Subdistrict is located in the northwest quadrant of the intersection of Vanderbilt Beach Road and Collier Boulevard. It consists of approximately 33.45 acres of land. The intent of this Subdistrict is to provide convenient shopping, personal services and employment for neighboring residential areas. The Subdistrict is intended to reduce driving distances for neighboring residents and to assist in minimizing impacts to the

road network in this part of Collier County. This subdistrict is further intended to create a neighborhood focal point, and any development within this Subdistrict must be designed in a manner compatible with the existing and future residential and institutional development in this neighborhood. Development intensity for this Subdistrict shall be limited to a maximum of 200,000 square feet of gross leasable floor area. Rezoning within the Subdistrict are encouraged to be in the form of a PUD zoning district. The PUD must contain development standards to ensure that all commercial uses will be compatible with neighboring residential and institutional uses. The Subdistrict does not permit residential uses. In addition to retail uses, financial institutions, business services, and professional and medical offices are permitted. Retail uses are limited to a single-story. Financial services and offices are limited to three stories. All principal buildings are to be set back a minimum of one foot from the Subdistrict boundaries for each foot of building height. Development within the Subdistrict is required to have common site, signage and building architectural elements. Projects must provide for potential interconnection with adjacent properties. A proposed GMP amendment, currently under review, would expand the boundaries of this subdistrict further to the west.

Henderson Creek Mixed-Use District:

This ±83-acre Subdistrict is located east of Collier Boulevard (S.R. 951) and south of U.S. 41 (Tamiami Trail East). The purpose of this Subdistrict is primarily to provide for a mixture of regional commercial uses and residential development, to serve the South Naples, Royal Fakapalm and Marco Island areas. The Subdistrict does not provide for community and neighborhood commercial uses. The focus of the Subdistrict's residential component is the provision of workforce housing to support surrounding commercial uses. The entire Subdistrict must be developed under a unified plan; this unified plan must be in the form of a PUD. For purposes of this Subdistrict, the term "regional commercial" is defined as: "Retail uses typically dominated by large anchors, including discount department stores, off-price stores, warehouse clubs, and the like, some of which offer a large selection in a particular merchandise category." These uses also typically utilize square footages ranging from 20,000 to over 100,000 square feet. Regional commercial uses generally have a primary trade area of 5 to 10 miles, with a typical store separation of 5 miles for any individual regional commercial business. Developments within this Subdistrict must meet specific requirements related to access, vehicular and pedestrian movement, roadway frontage, size of individual stores, zoning, size of anchor stores, specific uses allowed, residential design, landscaping and common architectural standards.

Research & Technology Park Subdistrict:

This is a "floating" Subdistrict, not confined for use within a specific portion of the Urban-Mixed Use Area. With somewhat different provisions, this Subdistrict may also be used within the Urban Commercial and Urban Industrial Districts. The Subdistrict is intended to provide for a mix of targeted industry uses - aviation/aerospace industry, health technology industry, information technology industry, and light, low environmental impact manufacturing industry and non-industrial uses, designed in an attractive park-like environment where landscaped areas, outdoor spaces and internal interconnectivity provide for buffering, usable open space, and a network of pathways for the enjoyment of the employees, residents and patrons of the park. Research and

Technology Parks are permitted to include up to 20% of the total acreage for certain non-target industry uses; and, up to 20% of the total acreage for workforce housing. Similarly, up to 20% of the total building square footage within the project, exclusive of square footage used for residential development, may contain non-target industry uses. At a minimum, 60% of the total park acreage must be devoted to specific target industry uses. Similarly, a minimum of 60% of the total building square footage for a park, exclusive of square footage used for residential development, must be devoted to target industry uses. The specific percentage and mix of each category of use must be determined at the time of rezoning in accordance with criteria specified in the LDC. The acreage and building square footage figures and percentages are to be included in the PUD ordinance so as to demonstrate compliance with this requirement.

Relative to this Subdistrict, the target industries were identified by the Economic Development Council of Collier County (EDC). The specific target industries are: aviation/aerospace, health technology, and information technology. Permitted land uses may include: software development and programming; internet technologies and electronic commerce; multimedia activities and CD-ROM development; data and information processing; call center and customer support activities; professional services that are export-based such as laboratory research or testing activities; light manufacturing related to the aviation/aerospace and health and information technology industries; office uses in connection with on-site research; development testing and related manufacturing; general administrative offices of a research and development firm; educational, scientific and research organizations; production facilities and operations.

Non-target industry uses within this Subdistrict may include hotels, at a density consistent with the LDC, and those uses identified in the C-1 through C-3 zoning districts that provide support services to the target industries (e.g. general office, banks, personal and professional services, medical, financial and convenience sales, computer-related businesses and services, employee training, restaurants and corporate and government offices).

When the Research and Technology Park is located within the Urban Industrial District or includes industrially zoned land, those uses allowed in the Industrial Zoning District are permitted, provided that the total industrial acreage permitted within the Subdistrict is not greater than the amount previously zoned or designated industrial within the Urban-Mixed-Use District. When a Research and Technology Park is located in the Urban Commercial District or Urban-Mixed Use District, the industrial uses are limited to the above-referenced target industry uses. The PUD Ordinance or Rezoning Ordinance for a Research and Technology Park project must specifically list all uses to be permitted and the development standards proposed for the project. No proposed project utilizing this Subdistrict may be smaller than 19 acres in size.

Buckley Mixed-Use Subdistrict:

The Buckley Mixed-Use Subdistrict is currently the last Subdistrict within the Urban-Mixed Use District and is located on the west side of Airport-Pulling Road, directly south of the Mixed-Use Activity Center located at the intersection of Airport-Pulling Road and Vanderbilt Beach Road. The Subdistrict's purpose is to allow for limited small-scale retail, office and residential uses that are part of a true mixed-use development. The

Activity Centers to the north and south provide for large-scale commercial uses, while this Subdistrict is intended to promote small-scale mixed use development with pedestrian orientation, designed to serve existing and future residential development in the immediate area. This Subdistrict is intended as an example for future mixed-use nodes, providing residents with a pedestrian scale development that reduces existing automobile trip lengths for small-scale commercial services. Commercial uses within the Subdistrict are limited to those allowed in the C-1, C-2 and C-3 Zoning Districts, with some exceptions. The development of this Subdistrict is governed by specific criteria related to: a unified development plan, retail and office square footage caps, a residential density maximum, lot coverage, a limitation on the amount of single story commercial buildings, common architectural themes, the timing of commercial development relative to residential development, integration of uses within the same structure, pedestrian movement, building footprint limitations, under-building parking, limitations to drive-through uses, a prohibition on gasoline service stations, landscaping and parking.

Description of the Density Rating System

In the FLUE, the system currently contains both density bonuses and a density reduction. Within the Urban Area, unless otherwise stated within specific Subdistricts, the base (or minimum) residential density (i.e., the number of units allowed per acre) is four units per gross acre and the maximum density is 16 units per acre. This system allows a residential project, or the residential portion of a mixed-use project, to request increased residential density, or to lose density if the project meets or does not meet certain criteria. There are six density bonus provisions. A project may be eligible for any number or combination of these bonuses (or not). However, at the May 17, 2004 Joint Board of County Commissioners/Collier County Planning Commission Workshop, the joint Commissions voted to eliminate the County's current Density Rating System, except for provisions related to Affordable Housing, Conversion of Commercially Zoned Properties, Transfer of Development Rights, and Density Blending. The effect of the Affordable Housing and Conversion of Commercially Zoned Properties provisions would be modified. Also, the County recommends adoption of a Coastal High Hazard Area (CHHA) density reduction factor of -1, and limiting the maximum density allowed within the CHHA to 4 units per acre. Finally, properties meeting certain criteria relative to the County's Transportation Concurrency Mitigation Areas (TCMAs) and the Transportation Concurrency Exception Area (TCEA) would be eligible for density bonuses. Therefore, the Density Rating System will be revised.

The six current bonus provisions are:

1. Conversion of Commercial Zoning:

If the project includes conversion of commercial zoning which is not located within a Mixed-Use Activity Center or Interchange Activity Center, or which is not consistent with the Neighborhood Village Center Subdistrict, a bonus of up to 16 dwelling units may be added for every 1 acre of commercial zoning, which is converted. These dwelling units may be distributed over the entire project. The project must be compatible with surrounding land uses. The County recommends modifying this provision to affect only properties that participated in the County's Zoning Reevaluation Program (1991).

2. Proximity to Mixed-Use Activity Center or Interchange Activity Center:

The FLUM contains residential density bands around certain activity centers. If the project is within one mile of a Mixed-Use Activity Center or Interchange Activity Center and is located within a residential density band, three residential units per gross acre may be added. The radius of the density band around a Mixed-Use Activity Center or Interchange Activity Center is measured as a radial distance of one mile from the center of the intersection around which the Mixed-Use Activity Center or Interchange Activity Center is situated. If 50% or more of a residential project is within the density band, the additional density applies to the gross acreage of the entire project. Density Bands are specifically designated on the FLUM and do not apply within the Estates Designation, the Traffic Congestion Area or the Coastal High Hazard Area (CHHA). The County recommends elimination of this provision. Such a change would also eliminate the residential density bands, as currently shown on the County's Future Land Use Map.

3. Affordable Housing:

To encourage the provision of affordable housing within certain Districts and Subdistricts in the Urban Designated Area, a maximum of up to 8 residential units per gross acre may be added to the base density if the project meets the definitions and requirements of the Affordable Housing Density Bonus Ordinance (Section 2.7.7 of the LDC, Ordinance #91-102, adopted October 30, 1991). In the Urban Coastal Fringe Subdistrict, affordable housing projects must provide appropriate mitigation consistent with Objective 12.1 and subsequent policies, as applicable, of the Conservation and Coastal Management Element. In addition, specific properties identified within the Urban Residential Fringe Subdistrict, this density bonus is allowed, but only to a maximum of six residential units per gross acre. Additionally, the Affordable Housing Density Bonus may be utilized within the Agricultural/Rural designation, as provided for in the RLSA, subject to the aforementioned Section 2.7.7 of the LDC. The County recommends modifying this provision to:

- a. Make this the only density bonus applicable within the CHHA, where its effect is limited to a bonus of 1 unit of density.
- b. Make this bonus applicable within the Rural Fringe Mixed-Use District (RFMUD) Receiving Lands Designation.

4. Residential In-fill:

To encourage residential in-fill in areas of existing urban development outside of the CHHA, a maximum of three residential dwelling units per gross acre may be added if the following criteria are met:

- (a) The project is 20 acres or less in size.
- (b) The project has central public water and sewer at time of development.
- (c) The project is compatible with surrounding land uses.

- (d) The property in question has no common site development plan with adjacent property.
- (e) There is no common ownership with any adjacent parcels.
- (f) The parcel in question was not created to take advantage of the in-fill residential density bonus and was created before the adoption of this provision in the GMP on January 10, 1989.
- (g) Of the maximum three additional units, one dwelling unit per acre shall be transferred from RFMUD, Sending Lands.
- (h) Projects qualifying under this provision may increase the base density administratively by a maximum of one dwelling unit per acre by transferring that additional density from Sending Lands. Within one year, the County will adopt land development regulations to implement this “by right“ Rural-to-Urban transfer process, subject to the above criteria, excluding (c). The County recommends the elimination of these provisions.

5. Roadway Access:

If the project has direct access to two or more arterial or collector roads as identified in the Transportation Element, one residential dwelling unit per gross acre may be added. Density credits based on future roadways will also be awarded if the developer commits to construct a portion of the roadway (as determined by the Transportation administrator) or the road is scheduled for completion during the first five years of the current Capital Improvement Schedule. The Roadway Access bonus is not applicable to properties located within the Traffic Congestion Area. The County recommends elimination of this provision.

6. Transfer of Development Rights:

To encourage preservation/conservation of natural resources, density transfers are permitted as follows:

- (a) Within that portion of the Urban designated area subject to this Density Rating System, density may be increased above and beyond the density otherwise allowed by the Density Rating System in accordance with the TDR Section 2.2.24.11 of the LDC adopted by Ordinance #91-102, on October 30, 1991, as amended.
- (b) From RFMUD Sending Lands in conjunction with qualified infill development.
- (c) From RFMUD Sending Lands located within one mile of the Urban Boundary into lands designated Urban Residential Fringe, at a maximum density increase of one unit per gross acre.

Under the above provision, density may not be transferred from outside of the CHHA to lands located within the CHHA. This provision should be retained as written.

Currently, the FLUE contains only one density reduction provision. This has to do with the “Traffic Congestion Area.” This Area, as shown on the FLUM, consists of the coastal Urban Designated Area seaward of a boundary marked by Airport-Pulling Road (including an extension north to the Lee County border), Davis Boulevard, County Barn Road and Rattlesnake-Hammock Road consistent with the Mixed-Use Activity Center’s residential density band located at the southwest quadrant of Rattlesnake-Hammock Road and Collier Boulevard. If a proposed rezoning project is within the Traffic Congestion Area, defined as “an area identified as subject to long range traffic congestion,” one dwelling unit per gross acre is deducted. Properties adjacent to the Traffic Congestion Area are considered as being within the Traffic Congestion Area if their only access is to a road forming the boundary of the Area; however, if that property also has an access point to a road not forming the boundary of the Traffic Congestion Area it will not be subject to the density reduction.

As part of this EAR (see Section 2.32), staff evaluated the effectiveness of this provision. The Traffic Congestion Area Boundary Density Reduction Factor was intended as a means of reducing long-range traffic impacts of new development within the coastal urban area. As part of the EAR-based amendments, this reduction factor will be deleted and to replaced with a reduction factor relative to the CHHA. The County cites the following reasons for this recommendation:

1. It is possible, through density bonuses, to counteract the loss of density caused by the Traffic Congestion Area Reduction Factor. For instance, use of the bonus provision for conversion of commercial zoning can allow a project to be eligible for the maximum allowable density of 16 units per acre.
2. Historically, the majority of projects do not develop to their maximum approved density at any rate.
3. The County has adopted a “checkbook” concurrency system that, in many ways, obviates the need for the Traffic Congestion Reduction Factor.
4. A CHHA density reduction factor would be more closely related to reduction of hurricane evacuation impacts and would not be as much of a disincentive to urban infill, as it would incorporate a smaller portion of the urban area.

Following the density bonuses and reductions, a general density condition exists:

“The maximum permitted density shall not exceed 16 residential dwelling units per gross acre within the urban designated area, except when utilizing the TDR Section 2.2.24.10 of the LDC adopted by Ordinance #91-102, on October 30, 1991, as amended.”

Following the above statement is the section of the FLUE that concerns Density Blending provisions. The introduction to this section reads as follows:

“This provision is intended to encourage unified plans of development and to preserve wetlands, wildlife habitat, and other natural features that exist within properties that straddle the Urban Mixed-Use and Rural Fringe Mixed-Use Districts. In the case of such properties, which were in existence and under unified control (owned, or under contract to purchase, by the applicant(s)) as of June 19, 2002, the allowable gross density for such properties in aggregate may be distributed throughout the project, regardless of whether or not the density allowable for a portion of the project exceeds that which is otherwise permitted.”

Essentially, the provision allows a landowner that has property straddling two separate density zones to take the combined density of the two areas and spread this density across the entire property, if environmentally sensitive areas are preserved. The provision recognizes two types of density blending, based upon the location of the property relative to the Urban Designation and the RFMUD. The two types of density blending are:

1. Density Blending Conditions and Limitations for Properties Straddling the Urban Residential Sub-District or Urban Residential Fringe Sub-District and either the RFMUD Neutral or Receiving Lands.
2. Density Blending Conditions and Limitations for Properties Straddling the Urban Residential Fringe Sub-District and RFMUD Sending Lands.

The text outlines the conditions and limitations for each type of Density Blending. The BCC has only recently adopted LDC regulations for these provisions. Therefore, these provisions have not been reviewed for successes or shortcomings, and no changes are being recommended.

Urban-Commercial District:

Following the Density Blending section, the FLUE’s description of the Urban Designation continues with the discussion of the Urban Commercial District. This District accommodates primarily commercial zoning and a variety of residential uses, including higher densities for properties not located within the Urban Coastal Fringe or Urban Residential Fringe Subdistricts; and a variety of non-residential uses. As part of the EAR-based amendments, both the Urban-Mixed Use District and the Urban Commercial District should be reformatted in order to separate true mixed-use subdistricts from those subdistricts that are primarily commercial in nature.

Mixed-Use Activity Center Subdistrict:

Areas contained within this Subdistrict are denoted as red squares around major intersections on the FLUM. Currently, there are 19 Mixed-Use Activity Centers, comprising approximately 3,000 acres, and including three Interchange Activity Centers (4, 9 and 10), which are discussed in a separate Subdistrict. Two former Activity Centers (19 and 21) were deleted and replaced by the land use designations identified in the Marco Island Master Plan and the FLUM. However, the MIMP’s land use designations were rendered non-binding by the incorporation of the City of Marco Island (see Section 1.5.J, of this report).

Section 2.30 evaluates the Mixed-Use Activity Center Concept to determine if it has been successful. The Mixed-Use Activity Center concept was designed to concentrate new commercial zoning in locations where traffic impacts can readily be accommodated, to avoid strip and disorganized patterns of commercial development, and to create focal points within the community. Mixed-Use Activity Centers were originally intended to be mixed-use in character. The actual mix of the various land uses - which may include the full array of commercial uses, residential uses, institutional uses, hotel/motel uses at a density consistent with the LDC – is determined during the rezoning process based on consideration of certain specific factors.

The intent of the Mixed-Use Activity Center Subdistrict was to promote large-scale commercial development as part of a larger mixed-use project, such as a PUD or Development of Regional Impact (DRI). However, the development actually approved and constructed within the Subdistrict demonstrates a focus on commercial and sometimes industrial uses, to the exclusion of residential uses, with some exceptions. As part of the EAR-based amendments the County will evaluate whether the name of this Subdistrict should be revised, in light of the changes recommended for the Density Rating System.

Interchange Activity Center Subdistrict:

This Subdistrict is actually a subset of the Mixed-Use Activity Center Subdistrict. Interchange Activity Centers are designated on the FLUM at each of the three Interstate 75 interchanges and include numbers 4, 9 and 10 (Immokalee Road at I-75, Pine Ridge Road at I-75 and Collier Boulevard at I-75, respectively). The boundaries of these Interchange Activity Centers are specifically defined in the FLUM. Any change to the boundaries of these Interchange Activity Centers requires an amendment to the FLUM. Like the Mixed-Use Activity Center Subdistrict, the Interchange Activity Center Subdistrict was intended to allow development of mixed-use PUD's or DRI's that included residential development. However, only one of the Interchange Centers has residential development and pre-dates the Activity Center designation - the Vineyards DRI. Due to their location adjacent to I-75, the three aforementioned Activity Centers will probably never have residential development, and the County would not encourage such. This Subdistrict will be evaluated consistent with recommendations regarding the Mixed-Use Activity Center Subdistrict and the Density Rating System.

Livingston/Pine Ridge Commercial Infill Subdistrict:

This Subdistrict consists of two parcels; one parcel consists of 17.5 acres and is located at the southeast quadrant of Livingston Road and Pine Ridge Road. The second parcel consists of 10.47 acres and is located at the northwest quadrant of Livingston Road and Pine Ridge Road. The intent of the Livingston/Pine Ridge Commercial Infill Subdistrict is to provide shopping, personal services and employment for the surrounding residential areas and to provide commercial services in an acceptable manner along a new collector roadway (Livingston Road). The Subdistrict is intended to be compatible with the neighboring commercial, public use and high density residential properties and will utilize well-planned access points to improve current and future traffic flows in the area. The southeast parcel allows a combination of retail and office uses. The northwest parcel

is restricted to office uses. There are specific requirements for development of each parcel.

Business Park Subdistrict:

This Subdistrict is equivalent to the Business Park Subdistrict within the Urban Mixed-Use District.

Research and Technology Park Subdistrict:

This Subdistrict is equivalent to the Research & Technology Park Subdistrict within the Urban Mixed-Use District.

Livingston Road/Eatonwood Lane Commercial Infill Subdistrict:

This Subdistrict consists of 12.5 acres located on the west side of Livingston Road, south of Pine Ridge Road, and north of Eatonwood Lane. The Subdistrict allows professional and medical offices and indoor self-storage facilities to serve surrounding residential areas. The Subdistrict is designed to be compatible with neighboring commercial and residential uses. The maximum allowed development intensities include 91,000 square feet of professional or medical office use in buildings containing a maximum height of 35 feet, or 200,000 square feet of indoor self-storage area in buildings containing a maximum of three stories and at a maximum height of 50 feet. Development of storage requires a corresponding reduction in approved office use.

Livingston Road Commercial Infill Subdistrict:

This Subdistrict consists of 6.0 acres, located on the west side of Livingston Road and south of Eatonwood Lane. The Subdistrict allows development of professional and medical offices to serve surrounding residential areas. Non-commercial indoor storage by occupants of the building(s) is also a permitted use. The Subdistrict is designed to be compatible with neighboring commercial and residential uses. The maximum allowed development is limited to 52,500 square feet of professional or medical office use in buildings containing a maximum of three stories, which could include two stories over parking, and at a maximum height of 50 feet.

Following the Livingston Road Commercial Infill Subdistrict is the description of the Urban Industrial District. This District is located in six (6) specific portions of the Urban Designation and comprises about 2,200 acres. In addition to basic Industrial uses, limited commercial uses are also permitted. Stand-alone retail commercial uses are prohibited, but may be allowed as part of Industrial or Business Park uses. Certain pre-existing C-5, C-4 and PUD Commercial Zoning Districts, located along the perimeter of the designated Urban Industrial District are deemed consistent with this Land Use District. Industrially designated areas must have access to a road classified as an arterial or collector in the Traffic Circulation Element, or access may be provided via a local road that does not service a predominately residential area.

The six currently approved industrial areas are located: at the northeast corner of the intersection of Radio Road/C.R. 856 and Airport-Pulling Road/C.R. 31; immediately

north of the Naples Municipal Airport, on the west side of Airport-Pulling Road; in the southwest quadrant of the intersection of Collier Boulevard/C.R. 951 and Davis Boulevard/S.R. 84 (immediately south of the Interchange Activity Center); in the northeast quadrant of the I-75 interchange at Collier Boulevard (also adjacent to the Activity Center); at the northwest quadrant of the intersection of Airport-Pulling Road and Pine Ridge Road/C.R.896 (just west of the Mixed Use Activity Center); and on old U.S. 41, approximately one mile northeast of the intersection of the two 41s.

The Urban Industrial District contains the Business Park and Research and Technology Park Subdistricts, similar to those described within the Urban-Mixed Use District.

Following the Urban Industrial District is the Agricultural/Rural Future Land Use Designation. This area was the subject of the Rural and Agricultural Area Assessment. The Assessment was a land use study required by the Florida Administration Commission's Final Order AC-99-002, issued on June 22, 1999. The Assessment looked at five major portions of the County. From north to south, these areas are:

Area 1: All or part of ten sections, located within Township 47 South, Range 27 East, and located generally between the northernmost extension of Golden Gate Estates on the east and the Corkscrew Swamp Sanctuary and Corkscrew Regional Ecosystem Watershed Natural Resource Protection Area (CREW NRPA) on the west.

Area 2: All or part of eighteen sections, located in Township 48 South, Ranges 26 and 27 East, and located generally between Golden Gate Estates on the east, the CREW NRPA and Lee County on the north, and the Urban Designation on the west. This area also includes the greater portion of the Heritage Bay DRI (see below).

Area 3: Also known as "North Belle Meade," this area is located within Township 49 South, Ranges 26 and 27 East, and is bordered by Golden Gate Estates on the east and north, and by the Estates and the Urban Designation on the west. Its southern boundary is I-75.

Area 4: Also known as "Belle Meade," this area is located within Townships 50 and 51 South and Ranges 26 and 27 East. Its eastern boundary is South Golden Gate Estates. The northern boundary is I-75, and the western boundary is primarily the Urban Designation. The southern boundary consists of the Conservation Designation and Collier-Seminole State Park.

Areas 1 through 4 eventually became known as the RFMUD.

Area 5: The greater part of the area covered by Townships 46 through 49 South and Ranges 28 through 30 East, excluding the Immokalee Urban Area.

Area 5 became known as the Eastern or Rural Lands Area.

The Administration Commission's Final Order established interim development provisions in the Rural Lands Area until January 9, 2003, and in the RFMUD until July 23, 2003. Subsequent to the above-referenced dates, the GMP provisions for these two areas became effective.

The interim provisions also applied to the Natural Resource Protection Areas (NRPA's) located within the Rural Lands and Rural Fringe Areas. However, these provisions were lifted at the time that each area's GMP provisions became effective.

The Agricultural/Rural Designation contains four districts.

Agricultural/Rural Mixed-Use District:

The purpose of this District is to protect and encourage agricultural activities, conserve and preserve environmentally sensitive areas, provide for low-density residential development, as well as other uses identified under the Agricultural/Rural Designation. Rural areas generally lack public facilities and services. Urbanization is not promoted, therefore most allowable land uses are of low intensity in an effort to maintain and promote the rural character of these lands. Residential uses are allowed at a density of one unit per five gross acres, or one unit per legal parcel. The District also allows dormitories or staff housing for a conservation use, group housing or housing related to safety services and essential services. The District also allows farm labor housing and sporting & recreation camps, subject to specific requirements. Finally, the District contains specific requirements for that portion of the Fiddler's Creek DRI that is within this District. However, upon the effectiveness of the RFMUD, this portion of the DRI became a part of the RFMUD's Neutral Lands. Therefore, the County recommends relocating this provision into that designation.

Rural Commercial Subdistrict:

This is the only subdistrict within the Agricultural/Rural District. Its purpose is to provide for limited stand-alone commercial development (a maximum of 200 acres). Commercial development within this Subdistrict cannot exceed an intensity of 10,000 gross square feet per acre with a maximum individual use size of 2.5 acres.

Rural Fringe Mixed-Use District:

The creation of this District resulted from the completion of the Rural & Agricultural Area Assessment (see above). Due to the fact that the BCC only adopted land development regulations for this District on February 10, 2004, staff did not evaluate the effectiveness of the Rural Fringe provisions. However, the following is a brief description of the District.

This District consists of approximately 93,600 acres, or 7% of Collier County's total land area. As of the date of adoption of the District, the RFMUD consisted of more than 5,550 tax parcels and included at least 3,835 separate and distinct property owners. The purpose of the District is to provide a transition between the Urban and Estates Designated lands and between the Urban and Agricultural/Rural and Conservation designated lands farther to the east. The RFMUD allows for a mixture of urban and rural levels of service, including limited extension of central water and sewer, schools, recreational facilities, commercial uses and essential services deemed necessary to serve the residents of the District. In order to preserve existing natural resources, including

habitat for listed species, to retain a rural, pastoral, or park-like appearance from the major public rights-of-way within this area and to protect private property rights, the RFMUD utilizes a TDR mechanism to direct intense development toward suitable areas.

The primary purpose of the TDR process, as used within the RFMUD, is to establish an equitable method of protecting and conserving the most valuable environmental lands, while allowing property owners of such lands to recoup lost land value and development potential through an economically viable process of transferring such rights to more suitable lands. Within the RFMUD and within certain designated areas of the Agricultural/Rural Mixed Use District, residential density may be transferred from less developable lands (designated as Sending Lands) to lands considered more developable (designated as Receiving Lands).

The RFMUD has no subdistricts. Instead, it has three sub-designations, dubbed “Sending Lands,” “Neutral Lands,” and “Receiving Lands.” **Receiving Lands** are those lands considered as being most appropriate for development and to which residential development units may be transferred from areas designated as Sending Lands. Based on data evaluated during the Rural & Agricultural Area Assessment (see above), Receiving Lands have much less environmental or listed species habitat value than areas designated as Sending Lands. Receiving Lands generally have been disturbed through previous development, and/or previous or existing agricultural operations. The District employs the TDR Program and other incentives to direct development into Receiving Lands and away from Sending Lands, thereby maximizing native vegetation and habitat preservation and restoration. Such incentives include, but are not limited to: the TDR process; clustered development; specific density bonus incentives; and provisions for central sewer and water systems. Within the Receiving Lands, the following standards shall apply, except for those modifications that are identified in the North Belle Meade Overlay (see below):

The base residential density for Receiving Lands is one unit per 5 acres (or one unit per legal parcel). However, the maximum density achievable through the TDR process is one dwelling unit per acre. Once this maximum density is achieved, a density bonus of no more than 10% of the maximum density per acre is allowed for each additional acre of native vegetation preserved exceeding the minimum preservation requirements as set forth in Policy 6.1.2 of the Conservation and Coastal Management Element (CCME). This maximum density is exclusive of Density Blending provisions (see above). Units may only be transferred into Receiving Lands in whole unit increments.

Permitted uses allowed within Receiving Lands are limited to: Agricultural, single-family dwelling units (including mobile homes in certain areas), multi-family structures, dormitories/duplexes related to staff housing, group housing, staff housing in support of safety services or essential services, farm labor housing, sporting and recreational camps, golf courses and driving ranges, subject to provisions incorporating Audubon International’s Gold Signature Program and subject to either Density Blending or TDR provisions. Also permitted are zoos, aquarium, botanical gardens, public and private schools, facilities for the collection, transfer, processing and reduction of solid waste, community facilities, childcare facilities, cemeteries, social and fraternal organizations, sports instructional schools and camps, earth mining, oil extraction and related processing, asphalt and concrete batch-making plants and travel trailer recreational

vehicle parks. Commercial and industrial uses are permitted as part of a proposed Rural Village (see below). All uses are subject to specific criteria.

Neutral Lands allow limited, semi-rural residential development. Data derived from the Rural & Agricultural Area Assessment indicates that Neutral Lands have a higher ratio of native vegetation, and thus higher habitat values, than lands designated as Receiving Lands, but these values do not approach those of Sending Lands. Therefore, these lands are appropriate for limited development, if such development is directed away from existing native vegetation and habitat. A lower maximum gross density (one unit per 5 acres, with limited bonus provisions) is prescribed for Neutral Lands when compared to Receiving Lands. Additionally, certain other uses permitted within Receiving Lands are not allowed in Neutral Lands.

Uses permitted within Neutral Lands include: agricultural uses; single-family residential dwelling units, including mobile homes in certain areas; dormitories, duplexes and other types of staff housing in support of conservation uses; group housing uses subject to density/intensity limitations; staff housing in support of safety service facilities and essential services; farm labor housing, limited to 10 acres in any single location; sporting and recreational camps; essential services; and golf courses and driving ranges, subject to Audubon International's Gold Signature Program; zoos, aquariums, botanical gardens, or other similar uses; public and private schools; facilities for the collection, transfer, processing and reduction of solid waste; community facilities, such as, places of worship, childcare facilities, cemeteries, and social and fraternal organizations; sports instructional schools and camps; and earth mining, oil extraction and/or related processing. All of these uses are subject to specific criteria.

Sending Lands are those lands that have the highest degree of environmental sensitivity and generally include significant wetlands, uplands, and habitat for listed species. Sending Lands are the principal target, within the RFMUD, for preservation and conservation. Private property owners of lands designated as Sending Lands may transfer density to Receiving Lands, and to certain lands within the Urban Designated Area subject to limitations set forth in the Density Rating System. All privately owned lands within the RFMUD that have a NRPA Overlay are designated as Sending Lands. Dwelling units may be transferred from Sending Lands at a maximum rate of one dwelling unit per five acres. Transfers may only occur in whole number increments (fractional transfers are prohibited). In the case of legal nonconforming lots or parcels in existence as of June 22, 1999, where such lot or parcel is less than five acres in size, one dwelling unit may be transferred from said lot or parcel. There are some limitations and restrictions upon the use of the TDR process, based upon land use and whether the Sending property is owned by, or a public entity or private, nonprofit corporation holds an easement.

Permitted uses are limited to the following: agricultural uses consistent with Chapter 823.14(6) F.S. (Florida Right to Farm Act); detached single-family dwelling units, including mobile homes in certain areas, at a maximum density of one dwelling unit per 40 acres or one dwelling unit per lot or parcel of less than 40 acres, which existed on or before June 22, 1999; habitat preservation and conservation uses; passive parks and passive recreational uses; sporting and Recreational camps; essential services necessary to serve other permitted uses; essential services necessary to ensure public safety; and, oil

extraction and related processing. All of these uses are subject to specific criteria. Certain conditional uses are also allowed in Sending Lands.

Once a landowner of Sending property has transferred and/or built all of his residential units, the uses allowed on Sending Lands decrease. In such circumstances, Sending Lands permit the following land uses: agricultural uses consistent with Chapter 823.14(6) F.S., including water management facilities, to the extent and intensity that such operations existed at the date of final transfer of development rights; cattle grazing on unimproved pasture where no clearing is required; detached single-family dwelling units, including mobile homes in certain areas, at a maximum density of one dwelling unit per 40 acres, provided that the landowner has retained one unit for himself or herself; one detached dwelling unit, including mobile homes in certain areas, per each preexisting lot or parcel of less than 40 acres, provided that the landowner has retained one unit for himself or herself; habitat preservation and conservation uses; passive parks and passive recreational uses; essential services as authorized in Sending Lands; and, oil extraction and related processing, excluding earth mining.

Following the discussion of provisions relative to Sending Lands is a section outlining “Additional TDR Provisions.” This section requires the County to amend its LDC to establish the TDR Program. The BCC adopted a TDR Program into the LDC on February 11, 2004.

To maintain and enhance the character of the RFMUD, the next section involves the adoption of land development regulations to establish buffering standards for developments adjacent to existing or proposed arterial and collector public roadways.

Rural Villages:

Rural Villages may be approved within the RFMUD to: maximize the preservation of natural areas and wildlife habitat; to reduce the need for residents of the District and surrounding lands to travel to the Urban Area for work, recreation, shopping, and education; and, to enhance the provision of limited urban and rural levels of service through economies of scale. Rural Villages shall be comprised of several neighborhoods designed in a compact nature such that a majority of residential development is within one-quarter mile of Neighborhood Centers. Neighborhood Centers may include small-scale service retail and office uses, and shall include a public park, square or green. Village Centers shall be designed to serve the retail, office, civic, government and service needs of the residents of the village.

The Village Center shall be the primary location for commercial uses. Villages shall be surrounded by a green belt in order to protect the character of the rural landscape and to provide separation between villages and the low density rural development, agricultural uses, and conservation lands that may surround the village. Villages shall be designed to include the following: a mixture of residential housing types; institutional uses; commercial uses; and, recreational uses, all of which shall be sufficient to serve the residents of the Village and the surrounding lands.

Exemptions from the Rural Fringe Mixed Use District Development Standards

The requirements of this District shall not apply to, affect or limit the continuation of existing uses. Existing uses shall include: those uses for which all required permits were issued prior to June 19, 2002; or projects for which a Conditional use or Rezone petition has been approved prior to June 19, 2002; or, land use petitions for which a completed application has been submitted prior to June 19, 2002. The continuation of existing uses shall include expansions of those uses if such expansions are consistent with or clearly ancillary to the existing uses. Hereafter, such previously approved developments shall be deemed consistent with the Goals, Objectives and Policies and for the RFMUD, and they may be built out in accordance with their previously approved plans. Changes to these previous approvals shall also be deemed consistent with the RFMUD as long as they do not result in an increase in development density or intensity.

Rural - Industrial District

The Rural - Industrial District, encompassing approximately 900 acres of existing industrial areas outside of Urban designated areas, is intended, and shall be reserved, for industrial type uses, subject to the Interim Development Provisions. Industrial uses and limited commercial uses are permitted. Retail commercial uses are prohibited, except as accessory to Industrial uses. The C-5 Commercial Zoning District on the perimeter of lands designated Rural - Industrial District, as of October 1997, shall be deemed consistent with this District. All industrial areas shall have direct access to a road classified as an arterial or collector in the Traffic Circulation Element, or access may be provided via a local road that does not service a predominately residential area. No new industrial land uses shall be permitted in the Area of Critical State Concern. For the purposes of interpreting this policy, oil and gas exploration, drilling, and production (“oil extraction and related processing”) shall not be deemed industrial land uses and shall continue to be regulated by all applicable federal, state and local laws.

Rural - Settlement Area District

This District consists of Sections 13, 14, 23, 24, and a portion of 22, Township 48 South, Range 27 East that was zoned and platted between 1967 and 1970. In settlement of a lawsuit pertaining to the permitted uses of this property, this property has been "vested" for the types of land uses specified in that certain "PUD by Settlement" zoning granted by the County as referenced in the SETTLEMENT AND ZONING AGREEMENT dated the 27th day of January 1986. This Settlement Area is commonly known as Orangetree PUD. Refer to the GGAMP for permitted uses and standards.

Estates Designation

The Estates Land Use Designation encompasses lands subdivided into semi-rural residential parcels (2.25 acres as an average) essentially consisting of the Golden Gate Estates Subdivision. The area is identified as having potential for population growth far removed from supportive services and facilities. Expansion of the area shall be discouraged.

Pursuant to Policy 4.1 of the Future Land Use Element, the BCC adopted the GGAMP encompassing the Estates Designation on February 5, 1991. Refer to the GGAMP for development standards regarding specific land uses.

Conservation Designation

The purpose of the Conservation Designation is to conserve and maintain the natural resources of the County and associated environmental, recreational and economic benefits. All native habitats possess ecological and physical characteristics that justify attempts to maintain these important natural resources. Barrier Islands, coastal bays, wetlands and habitat for listed species deserve particular attention because of their ecological value and their sensitivity to perturbation. It is because of this that all proposals for development in the Conservation Designation must be subject to rigorous review to ensure that the impacts of the development do not destroy or unacceptably degrade the inherent functional values.

Natural resource protection strategies and standards for development in the Conservation Designation are found in the CCME and the LDC. The Conservation Designation will accommodate limited residential development and future non-residential uses.

OVERLAYS AND SPECIAL FEATURES

Area of Critical State Concern Overlay

The 1974 Florida Legislature established the Big Cypress Area of Critical State Concern (ACSC). This area encompasses lands designated Conservation, Agricultural/Rural, Estates and Urban (Port of the Islands, Plantation Island and Copeland) on the FLUM. Chokoloskee is excluded from the ACSC. Development orders within the ACSC shall comply with Chapter 28-25, Florida Administrative Code, "Boundary and Regulations for the Big Cypress Area of Critical State Concern".

North Belle Meade Overlay

The North Belle Meade (NBM) Overlay is depicted on the FLUM. Uses shall be as provided for in Receiving, Neutral, NRPA and non-NRPA Sending Lands. Development and preservation standards are detailed within the FLUE.

Natural Resource Protection Area Overlay

The purpose of the Natural Resource Protection Area (NRPA) Overlay designation is to protect endangered or potentially endangered species and to identify large connected intact and relatively unfragmented habitats that may be important for these listed species. NRPA's may include major wetland systems and/or regional flow-ways. These lands generally should be the focus of any federal, state, County or private acquisition efforts.

NRPA's that are located in the RFMUD, or on nearby or adjacent Conservation Designated Lands are identified as Sending Lands. Private property owners within these NRPA's may transfer residential development rights from these important environmentally sensitive lands.

Rural Lands Stewardship Area Overlay (RLSA)

It is the intent of the RLSA is to protect natural resources and retain viable agriculture by promoting compact, rural mixed-use development as an alternative to low-density single use development. A system of compensation is available to private property owners for the elimination of certain land uses in exchange for transferable credits that can be used to entitle such compact development.

The RLSA consists of one Goal and several policies.

The RLSA was formerly adopted by the BCC on October 22, 2002. Subsequent LDC regulations were then adopted to govern the District. Since the RLSA is relatively novel to the County, staff has not had the opportunity to perform a comprehensive assessment related to the Goals, Objectives or Policies contained within the RLSA.

Airport Noise Area Overlay

The Naples Airport Authority developed a Noise Compatibility Plan under the guidelines of the Federal Aviation Regulation, Part 150. This plan included identifying noise contours at the 60, 65, 70 and 75 Ldn (day-night average sound level). The Airport Noise Area Overlay shown on the FLUM reflects the 60 Ldn contour, the least severe impact of these four noise contours. Residential and other noise sensitive land uses are considered “normally unacceptable” in areas exposed to levels between 60 Ldn and 75 Ldn. This Overlay is informational and has no regulatory effect. However, the LDC contains an Airport Overlay District that regulates development near the Naples Municipal Airport.

Bayshore/Gateway Triangle Redevelopment Overlay

The Bayshore/Gateway Triangle Redevelopment Overlay, as depicted on the FLUM, is within the boundaries of the Bayshore/Gateway Triangle Redevelopment Plan adopted by the BCC on March 14, 2000. The intent of the redevelopment program is to encourage the revitalization of the Bayshore/Gateway Triangle Redevelopment Area by providing incentives to encourage the private sector to invest in this urban area. This Overlay allows for additional neighborhood commercial uses and higher residential densities that will promote the assembly of commercial uses and higher residential densities (if applicable roadway access standards are met) that will promote the assembly of property, or joint ventures between property owners, while providing interconnections between properties and neighborhoods. The intent of this Overlay is to allow for more intense development in an urban area where urban services are available.

Urban-Rural Fringe Transition Zone Overlay

This area consists of Sections 13, 14, 23 and 24, Township 48 South, Range 26 East, and overlaps the Urban and Agricultural/Rural boundary, north of the intersection of Immokalee Road and County Road 951. The area is under common ownership and, through comprehensive planning, may resolve potential local land use conflicts and provide for the realization of unique regional environmental opportunities. Among the causes of potential land use conflicts are the abrupt change from urban densities (4+ units

per acre) in Section 23 to rural densities (1 unit per 5 acres) in Sections 13, 14 and 24, and the continuation of earth mining in an increasingly urbanized residential area. Under existing permits from the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection, a total of +1,700 acres in these four Sections have been or may be mined.

Sections 13, 14 and 24 in the Agricultural/Rural Area contain large wetland areas in the north and are contiguous to wetlands proposed for the Cocohatchee West Flow-way and slated for acquisition by the Corkscrew Regional Ecosystem Watershed (CREW) Trust. These wetland areas extend in a contiguous fashion south into Section 23 in the Urban Area, in close proximity to the Mixed-Use Activity Center quadrant designated within this Section.

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