

September 8, 2022

Cesar Almanza  
1101 Charlotte Street  
Immokalee, FL 34142

**ZLTR-PL20220005302;** Zoning Verification Letter for 1607 Roberts Avenue West, Property ID/Folio Number: 00130960007 in Section 5, Township 47, Range 29 of unincorporated Collier County.

Mr. Almanza,

This letter is in response to a Zoning Verification Letter (ZLTR) Application submitted on or about August 9<sup>th</sup>, 2022. The applicant has requested to verify how many parcels can be created and what kind of housing can be put on the property.

**Zoning:**

The current zoning atlas, an element of the Collier County Land Development Code (LDC), Ordinance 04-41, as amended, reveals that the subject property is in the Residential Multi-Family-6 District (RMF-6).

**Future Land Use:**

The Immokalee Future Land Use Map, of the Immokalee Area Master Plan, of the Collier County Growth Management Plan (GMP), shows the subject property to be within the High Residential (HR) Subdistrict.

**Determination:**

The HR Subdistrict has an allowed base density of 8 dwelling units per gross acre. This can be increased by the density rating system, as identified in attached pages of the Immokalee Area Master Plan.

With a base density of 8 per acre, at 1.94 acres, this property may have a maximum of 15.52 units per GMP. The density rating system allows this to be rounded to 16. The LDC has further restrictions. The maximum number of units allowed on this property is 12, per LDC Staff Clarification SC 06-04. Since the subject property is 1.94 acres, and 6 units are allowed per acre, 11.64 units are allowed, which rounds up to 12.

The RMF-6 District allows a variety of housing types, which have different lot design requirements for each, as identified in attached pages from the LDC. LDC limits the amount of lots per unit(s) by the required lot design requirements for each.

For example, if the property were to be proposed to be filled with duplex lots, then a maximum of 6 lots is allowed. The property is approximately 132' x 640'. Since the minimum lot width of this is 80', and 640 divided by 80 = 8, then by width a maximum of 8 lots would be allowed. The dimensional standards in the LDC may not be rounded. So, for example, if the lot's depth were 639', then a maximum of 7 lots by lot width would be allowed, not 8. But, since the minimum lot area is 12,000 square feet, and 1.94 x 43,560 (the area of an acre) = 84,506 square feet, then 84,506 divided by 12,000 = 7.04. By area, a maximum of 7 lots of 14 units would be allowed by dimensional requirements. The limitation of 6 units to the acre by SC 06-04, however, reduces this number to 6 duplex lots.



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The information presented in this verification letter is based on the Collier County LDC and/or Growth Management Plan in effect as of this date. It is possible that subsequent amendment(s) to either of these documents could affect the validity of this verification letter. It is also possible that development of the subject property could be affected by other issues not addressed in this letter, such as, but not limited to, concurrency related to the provision of adequate public facilities, environmental impact, and other requirements of the Collier County LDC or related ordinances.

This letter represents a determination of Zoning Services Section staff. Should you disagree with this determination, you may request an Official Interpretation by the Zoning Director of the provisions of the Land Development Code pursuant to Sections 1.06.01 and 10.03.06 P. of that Code. The fee for an Official Interpretation is identified in the most recent GMD Fee Schedule Resolution as approved by the Board of County Commissioners. To obtain copies of any document referenced herein, please contact the GMD Records Section at (239)252-5730 or by email at [GMDPublicRecordRequest@colliercountyfl.gov](mailto:GMDPublicRecordRequest@colliercountyfl.gov). The LDC may be viewed online at [www.municode.com](http://www.municode.com) / Municode Library / Florida / Collier County. Validated Ordinances may be viewed online via the Clerk of Court's website, [www.collierclerk.com](http://www.collierclerk.com) / Records Search / BMR Records / Boards, Minutes, Records / BMR Validated Ordinances.

Disclaimer: Issuance of a development permit by the County does not create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All other applicable state or federal permits must be obtained before commencement of the development.

Should you require additional information, I encourage you to call my office at (239) 252-2599 or contact me at [sean.kingston@colliercountyfl.gov](mailto:sean.kingston@colliercountyfl.gov).

Researched and prepared by:

Reviewed by:

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Sean Kingston, Senior Planner  
Zoning Division

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Raymond Bellows, Zoning Manager  
Zoning Services Section



# Collier County Property Appraiser Property Summary

Parcel No	00130960007	Site Address <u>*Disclaimer</u>	1607 ROBERTS AVE W	Site City	IMMOKALEE	Site Zone <u>*Note</u>	34142
-----------	-------------	------------------------------------	--------------------------	-----------	-----------	---------------------------	-------

Name / Address	MENDOZA, GRACIANO						
	EIME MENDOZA						
	PO BOX 2257						
City	IMMOAKLEE			State	FL	Zip	34143

Map No.	Strap No.	Section	Township	Range	Acres	<u>*Estimated</u>	
2E05	000100 47 02E05	5	47	29	1.94		

Legal	5 47 29 E 132FT OF E 1/2 OF NW 1/4 OF SW 1/4 OF NE 1/4, LESS N 30FT FOR R/W						
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<u>Millage Area</u> ①	5	<u>Millage Rates</u> ① <u>*Calculations</u>		
Sub./Condo	100 - ACREAGE HEADER	School	Other	Total
<u>Use Code</u> ①	0 - VACANT RESIDENTIAL	4.459	9.8696	14.3286

## Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
05/22/20	5766-3842	\$ 50,000
02/04/19	5609-2403	\$ 50,000
03/01/00	2646-866	\$ 70,000
08/11/88	1372-594	\$ 60,000
11/01/66	226-618	\$ 0

## 2022 Preliminary Tax Roll

(Subject to Change)

Land Value	\$ 43,650
(+) Improved Value	\$ 0
(=) Market Value	\$ 43,650
(=) Assessed Value	\$ 43,650
(=) School Taxable Value	\$ 43,650
(=) Taxable Value	\$ 43,650

If all Values shown above equal 0 this parcel was created after the Final Tax Roll

# Collier County Property Appraiser

## Property Detail

Parcel No	00130960007	Site Address <u>*Disclaimer</u>	1607 ROBERTS AVE W	Site City	IMMOKALEE	Site Zone <u>*Note</u>	34142
-----------	-------------	------------------------------------	--------------------------	-----------	-----------	---------------------------	-------

Name / Address	MENDOZA, GRACIANO						
	EIME MENDOZA						
	PO BOX 2257						
City	IMMOAKLEE			State	FL	Zip	34143

Permits (Provided for reference purposes only. \*Full Disclaimer. )

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
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### Land

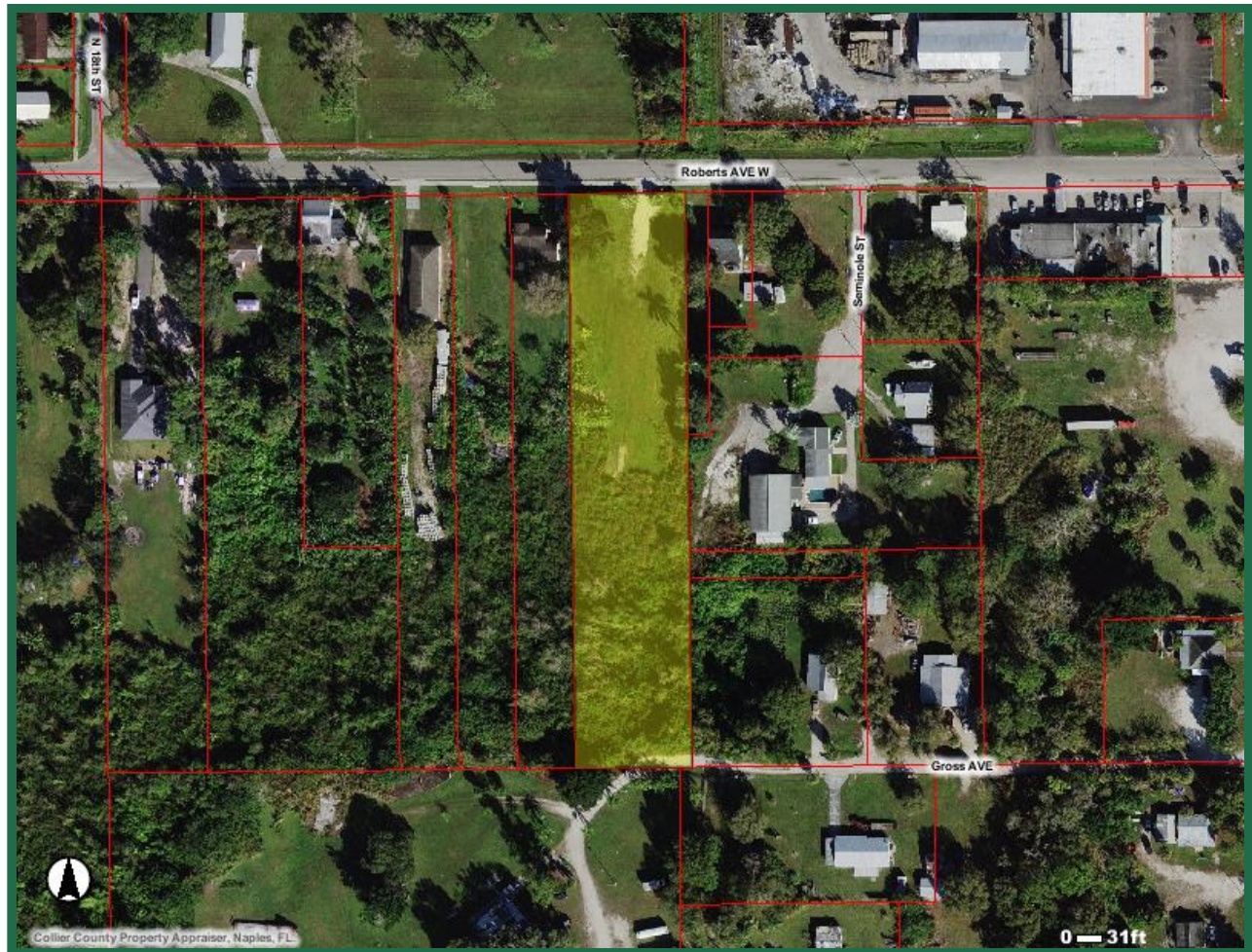
#	Calc Code	Units
10	ACREAGE	1.94

### Building/Extra Features

#	Year Built	Description	Area	Adj Area
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# Collier County Property Appraiser Property Aerial

Parcel No	00130960007	Site Address <u>*Disclaimer</u>	1607 ROBERTS AVE W	Site City	IMMOKALEE	Site Zone <u>*Note</u>	34142
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[Open GIS in a New Window with More Features.](#)



The Historic/Archaeological Probability Maps are the official County source designating historic or archaeological resources.

LAST REVISION: ZONING 11/12/19 OTHER

7906N

6932S

7904N



INDICATES SPECIAL TREATMENT OVERLAY  
INDICATES AIRPORT OVERLAY (REFER TO APPENDIX D OF THE LDC)

SUBDIVISION INDEX

NO.	NAME	P.B.	Pg.	NO.	NAME	P.B.	Pg.
1	HILLCREST	2	103	11			
2	WELLS SUBDIVISION	4	32	12			
3				13			
4				14			
5				15			
6				16			
7				17			
8				18			
9				19			
10				20			

ZONING NOTES	
1	4-20-82 R-82-21
2	LDC-91
3	6-4-97 LDC 97-26
4	6-29-98 LDC 98-63
5	1-28-00 LDC 00-08
6	9-25-12 LDC ORD 12-38
7	11-18-08 PE-08-AR-13117 08-333

THIS IS TO CERTIFY THAT THIS IS A PAGE OF THE OFFICIAL ZONING ATLAS REFERRED TO AND ADOPTED BY REFERENCE BY ORDINANCE NO. 04-41 OF THE COUNTY OF COLLIER, FLORIDA, ADOPTED JUNE 22, 2004, AS AMENDED BY THE ZONING NOTES AND SUBDIVISION INDEX REFERENCED HEREON.

BY \_\_\_\_\_ CHAIRMAN

ATTEST \_\_\_\_\_ CLERK

N

COLLIER COUNTY, FLORIDA

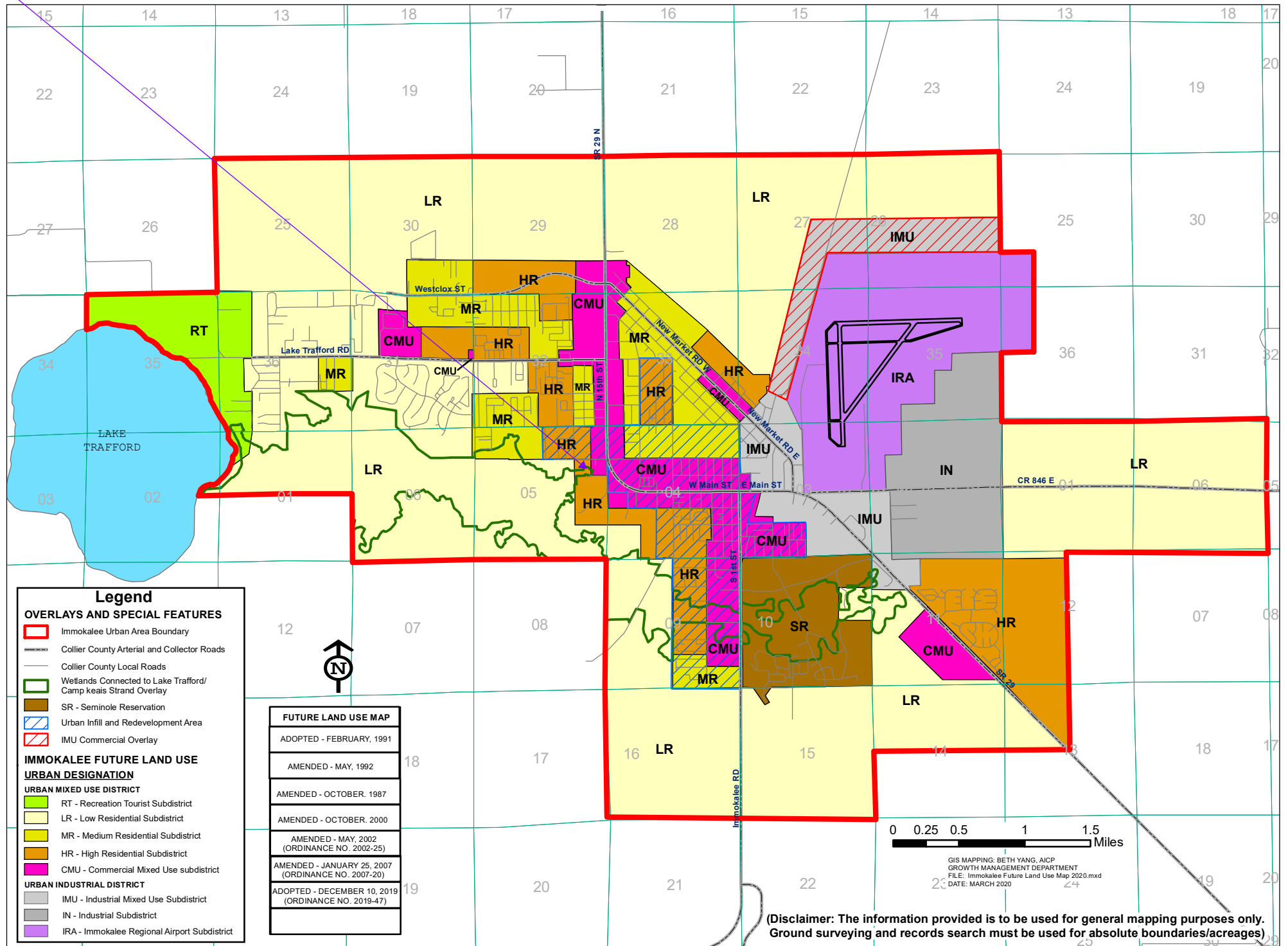
COMMUNITY DEVELOPMENT DIVISION

TWP 47S RNG 29E SEC(S) 05 NO 1/2

SCALE  
0 400

MAP NUMBER:  
7905N

# IMMOKALEE FUTURE LAND USE MAP



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## 2.03.02 Residential Zoning Districts

- B. Residential Multi-Family-6 District (RMF-6). The purpose and intent of the residential multi-family-6 district (RMF-6) is to provide for single-family, two-family and multi-family residences having a low profile silhouette, surrounded by **open space**, being so situated that it is located in close proximity to public and commercial services and has direct or convenient **access** to collector and **arterial roads** on the county major road network. The RMF-6 district corresponds to and implements the urban mixed use land use designation on the future land use map of the Collier County GMP. The maximum **density** permissible in the RMF-6 district and the urban mixed use land use designation shall be guided, in part, by the **density** rating system contained in the future land use element of the Collier County GMP. The maximum **density** permissible or permitted in the RMF-6 district shall not exceed the **density** permissible under the **density** rating system, except as permitted by policies contained in the future land use element.
1. The following subsections identify the uses that are permissible by right and the uses that are allowable as **accessory** or **conditional uses** in the RMF-6 district.
    - a. **Permitted uses.**
      1. **Single-family dwellings.**
      2. **Duplexes, two-family dwellings.**
      3. **Multi-family dwellings, townhouses** as provided for in section 5.05.07.
      4. **Family care facilities**, subject to section 5.05.04.
      5. **Educational plants** and public schools with an agreement with Collier County, as described in LDC section 5.05.14; however, any high school located in this district is subject to a **compatibility review** as described in LDC section 10.02.03.
    - b. **Accessory uses.**
      1. Uses and **structures** that are accessory and incidental to uses permitted as of right in the RMF-6 district.
      2. Private **docks** and **boathouses**, subject to section 5.03.06.
      3. Recreational facilities that serve as an integral part of a residential **development** and have been designated, reviewed and approved on a site **development plan** or preliminary **subdivision** plat for that **development**. Recreational facilities may include, but are not limited to, golf course, clubhouse, community center **building** and tennis facilities, playgrounds and playfields.
    - c. **Conditional uses.** The following uses are permissible as **conditional uses** in the RMF-6 district, subject to the standards and procedures established in LDC section 10.08.00.
      1. **Churches.**
      2. Schools, private. Also, "**Ancillary Plants**" for public schools.
      3. **Child care centers** and **adult day care centers.**
      4. Civic and cultural facilities.
      5. Recreational facilities not accessory to principal use.
      6. Group care facilities (category I and II); care units; nursing homes; assisted living facilities pursuant to § 429.02 F.S. and ch. 59A-36 F.A.C; and continuing care retirement



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communities pursuant to ch. 651 F.S. and ch. 690-193 F.A.C.; all subject to LDC section 5.05.04.

7. Noncommercial boat launch facilities, subject to the applicable review criteria set forth in section 5.03.06.

8. Cluster development, subject to section 4.02.04, except for affordable housing projects which qualify under section 4.02.39 C. which do not require a conditional use.

9. Model homes and model sales centers, subject to compliance with all other LDC requirements, to include but not limited to, section 5.04.04.

10. Public schools without an agreement with Collier County, as described in LDC section 5.05.14. Additional standards in LDC section 5.05.14 shall also apply; however, any high school located in this district is subject to a **compatibility review** as described in LDC section 10.02.03.

- d. *Prohibited animals in residential districts.* The following animals are to be considered farm animals and are not permitted to be kept in residential districts except as provided for in zoning district regulations: turkeys, chickens, ducks, geese, pigs, horses, cows, goats, hogs, and the like.

(Ord. No. 08-11, § 3.E; Ord. No. 16-27, § 3.C; Ord. No. 21-05, § 3.C)

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#### 4.02.01 Dimensional Standards for Principal Uses in Base Zoning Districts

- A. The following tables describe the dimensional standards pertaining to base zoning districts. Site design requirements apply to the principal building on each site.

**Table 1. Lot Design Requirements for Principal Uses in Base Zoning Districts.**

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Width (linear feet)	Maximum Building Coverage (%)
RMF-6 S.F.	6,500	60	None
Duplex	12,000	80	
3+ units	5,500 per unit	100	

(Ord. No. 04-72, § 3.L; Ord. No. 05-27, § 3.P; Ord. No. 07-67, § 3.I; Ord. No. 10-23, § 3.Q; Ord. No. 12-38, § 3.J; Ord. No. 14-33, § 3.I; Ord. No. 18-18, § 3.G; Ord. No. 18-32, § 3.A; Ord. No. 19-13, § 3.A)

**COLLIER COUNTY  
GROWTH MANAGEMENT PLAN**

**IMMOKALEE AREA MASTER PLAN**

Prepared by  
Collier County Zoning Division

Prepared for  
COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS  
Adopted December 10, 2019

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## LAND USE DESIGNATION DESCRIPTION SECTION

The Immokalee Area Master Plan Future Land Use Designations include the following Districts and Subdistricts. The following describes land use designations shown on the Immokalee Master Plan Future Land Use Map. 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 district request will be approved.

### A. URBAN - MIXED USE DISTRICT

The purpose of this District is to allow residential and nonresidential land uses, including mixed uses. Mixed uses can be located within individual buildings and/or projects in areas deemed appropriate and identified on the FLUM. Nonresidential uses allowed in the Residential subdistricts include, but are not limited to: agriculture, earth mining, oil extraction, and related processing, home-based businesses, parks, recreation and open space uses, churches, libraries, cemeteries, community centers, public and private schools, day-care centers, group housing uses, utility and communication facilities, and essential services, as defined in the Land Development Code, except as may be limited within a specific subdistrict or overlay.

New commercial development may be allowed in the Low Residential, Medium Residential or High Residential subdistricts through Planned Unit Development (PUD) zoning, subject to the following limitations:

Commercial development may be permitted within a PUD, provided the following size and development criteria are met. The commercial component within a PUD may be allowed to develop up to the maximum acreage specified in the table below:

	<b>CATEGORY I</b>	<b>CATEGORY II</b>	<b>CATEGORY III</b>
PUD Acres	>80	>160	>300
Min. Gross Density	2.5 du/gross acre	2.5 du/gross acre	3.0 du/gross acre
Max. Commercial Acres	5 acres	10 acres	20 acres
Permitted Zoning	C-2	C-2, C-3	C-2 through C-4

In addition to the above criteria, the following standards must also be met:

- Commercial zoning shall be no closer than one (1) mile to any lands designated C- MU and no closer than one mile from the nearest PUD commercial zoning of ten acres or greater in size, unless otherwise authorized by the Board of County Commissioners;
- The configuration of the commercial parcel shall be no more frontage than depth, unless otherwise authorized by the Board of County Commissioners;
- Commercial zoning or development shall be no closer than one-quarter ( $\frac{1}{4}$ ) mile from the nearest existing elementary school boundary, unless otherwise authorized by the Board of County Commissioners;
- The commercial development shall be integrated with the residential portion of the project, including common elements such as signage, and providing vehicular and non-vehicular interconnection; and
- No construction in the commercial designated area shall be allowed until construction has commenced on at least 30% of the project's residential units, unless otherwise authorized by the Board of County Commissioners.

### **1. Low Residential Subdistrict (LR)**

The purpose of this subdistrict is to provide for low density residential development and supporting uses. Mobile homes are allowed pursuant to the provisions of IAMP Policy 5.1.4. Residential densities are allowed as provided below, except for properties within the Lake Trafford/Camp Keais Strand System Overlay.

- Base Density: Four (4) dwelling units per gross acre.
- Maximum Density: Eight (8) dwelling units per gross acre, inclusive of all density bonuses. Densities above the base density can only be achieved through available density bonuses.

As agriculture is a significant economic driver in Immokalee, the following uses will be allowed in accordance with IAMP Policy 1.2.4:

- agricultural research and development facilities,
- agri-business offices and headquarters, and
- facilities, offices, headquarters and apparatuses associated with an alternative energy use.

### **2. Medium Residential Subdistrict (MR)**

The purpose of this subdistrict is to provide for a mixture of housing types and supporting uses. Mobile homes are allowed pursuant to the provisions of IAMP Policy 5.1.4. Residential densities are allowed as provided below, except for properties within the Lake Trafford/Camp Keais Strand System Overlay.

- Base Density: Six (6) dwellings units per gross acre.
- Maximum Density: Fourteen (14) dwelling units per gross acre, inclusive of all density bonuses. Densities above the base density can only be achieved through available density bonuses.

### **3. High Residential Subdistrict (HR)**

The purpose of this subdistrict is to provide for a mixture of housing type and supporting uses. Mobile homes are allowed pursuant to the provisions of IAMP Policy 5.1.4. Residential densities are allowed as provided below, except for properties within the Lake Trafford/Camp Keais Strand System Overlay.

- Base Density: Eight (8) dwelling units per gross acre.
- Maximum Density: Sixteen (16) dwelling units per gross acre, inclusive of all density bonuses. Densities above the base density can only be achieved through available density bonuses.

### **4. Commercial - Mixed Use Subdistrict (C-MU)**

The purpose of this Subdistrict is to provide for pedestrian-scaled, higher density residential and mixed-use development, employment and recreational opportunities, cultural and civic activities, and public places to serve residents of, and visitors to, the Immokalee Urban Area. All types of residential uses are allowed within this Subdistrict, except that mobile homes are only allowed as provided by IAMP Policy 5.1.4. Residential densities are allowed as provided below, except for properties within the Lake Trafford/Camp Keais Strand System Overlay. Nonresidential uses allowed within this Subdistrict include those uses allowed in the C-1 through C-4 zoning districts in the Collier County Land Development Code, Ord. No. 04-41, as amended.

- Base Density: Sixteen (16) dwelling units per gross acre.



- Maximum Density: Twenty (20) dwelling units per gross acre, inclusive of all density bonuses. Densities above the base density can only be achieved through available density bonuses.
- Transient lodging is allowed at a maximum density of thirty-two (32) units per gross acre.

Mix of Uses: Projects equal to or greater than ten (10) acres will be encouraged to provide both residential and non-residential uses.

## **5. Recreational/Tourist Subdistrict (RT)**

The purpose of this Subdistrict is to provide for recreational and tourist activities related to the natural environment, and to allow for limited compact residential development. Uses allowed in this Subdistrict include, but are not limited to: passive parks; nature preserves; wildlife sanctuaries; open space; parks; museums; cultural facilities; marinas; transient lodging facilities (including hotel/motel, rental cabins, bed and breakfast establishments, campsites); restaurants; recreational vehicle parks; sporting and recreational camps; low-intensity retail directly associated with the purpose of this Subdistrict; agriculture; and essential services as defined in the Land Development Code. Mobile homes are allowed pursuant to the provisions of IAMP Policy 5.1.4.

Single and multi-family dwelling units are allowed.

- Base Density: Four (4) dwelling units per gross acre.
- Maximum Density: Four (4) dwelling units per gross acre. Density bonuses do not apply in this subdistrict.
- Transient lodging is permitted at a maximum density of twenty-six (26) units per gross acre.

## **DENSITY RATING SYSTEM**

The Density Rating System is applicable to areas designated Urban - Mixed Use District, as identified on the Immokalee Future Land Use Map. Except as provided below, the final determination of permitted density via implementation of this Density Rating System is made by the Board of County Commissioners through an advertised public hearing process (rezone) in accordance with the LDC. Density achieved by right (as may be permitted for qualifying Affordable Housing projects) shall not be combined with density achieved through the rezone public hearing process.

### **1 THE DENSITY RATING SYSTEM IS APPLIED IN THE FOLLOWING MANNER:**

- a. Within the applicable Urban designated areas, the base density of the Subdistrict is allowed, though not an entitlement. Density may be increased using applicable density bonuses. **For purposes of calculating the eligible number of dwelling units for the project, the total number of dwelling units may be rounded up by one unit if the dwelling unit total yields a fraction of a unit 0.5 or greater.** Acreage used for the calculation of density is exclusive of commercial portions of the project, except within the C-1 through C-3 Commercial zoning districts, and except within the Commercial Mixed-Use Subdistrict, wherein residential project densities will be calculated on total gross acreage, and except portions of a project for land uses having an established equivalent residential density in the Collier County Land Development Code.
- b. This Density Rating System only applies to residential dwelling units. This Density Rating System is not applicable to accessory dwellings or accessory structures. Such accessory dwellings and structures include guest houses, mother-in-law's quarters, cabanas, guest suites, and the like.
- c. All new residential zoning located within the Urban Mixed-Use District shall be consistent

with the Density Rating System, except as provided for in Policy 5.1.6.

- d. Within the applicable areas of the Urban Mixed-Use District, all properties zoned A, Rural Agricultural, E, Estates, and/or RSF-1, 2, 3, Residential Single Family, for which an affordable housing project is proposed and approved, in accordance with Section 2.06.00 of the LDC (Ordinance 04-41, as amended), shall be permitted the base density of four (4) dwelling units per gross acre by right, except in the case of lands designated LR on the IAMP Future Land Use Map (FLUM), wherein the density shall not exceed 50% of the maximum permitted density of the zoning district for the subject property; that is, a rezone public hearing shall not be required. Such a project must comprise a minimum of ten acres.

## **2. DENSITY BONUSES**

To encourage infill development, the creation of affordable housing, and preferred roadway access, certain density bonuses are available. If these bonuses are utilized, base densities may be exceeded. In the Low Residential Subdistrict, the base density of four units per acre may only be exceeded if utilizing an affordable housing bonus. In no case shall the resulting density exceed the maximum density specified in each Subdistrict.

### **a. Proximity to Commercial-Mixed Use**

If 50% or more of a project is within the Commercial - Mixed Use Subdistrict, then the base density allowed within the Commercial - Mixed Use Subdistrict of sixteen (16) dwelling units per acre applies to the entire project, except that this bonus cannot be used to increase density on lands within the project designated Low Residential. Buffering to achieve compatibility with adjacent lower intensity uses shall be required.

### **b. Affordable Housing Bonus, by Public Hearing**

To encourage the provision of affordable housing within certain Subdistricts in the Urban Designated Area, a maximum of twelve (12) dwelling units per gross acre may be added to the base density if the project meets the definition and requirements of the Affordable Housing Density Bonus Ordinance (Section 2.06.00 of the Land Development Code, Ordinance 04-41, as amended).

### **c. Affordable Housing Bonus, by Right**

To encourage the provision of affordable housing within that portion of the Urban Mixed Use District, properties zoned A, Rural Agricultural, E, Estates, RSF-1, 2, 3, 4, 5, 6, Residential Single Family, VR, Village Residential, and/or RMF-6, Residential Multi-Family-6, for which an affordable housing project is proposed in accordance with the definitions and requirements of the Affordable Housing Density Bonus Ordinance (Section 2.06.00 of the Land Development Code, Ordinance 04-41, as amended), a maximum of four (4) residential units per gross acre shall be added to the base density of four (4) dwelling units per gross acre, except in the case of lands designated LR on the IAMP Future Land Use Map (FLUM), wherein the bonus shall not exceed 50% of the maximum permitted density of the zoning district for the subject property. Therefore, the maximum density that may be achieved by right shall not exceed eight (8) dwelling units per gross acre. Such a project must comprise a minimum of ten acres.

### **d. Residential Infill**

1. To encourage residential infill, three (3) residential dwelling units per gross acre may be added if the following criteria are met: The project is twenty (20) acres or less in size; at the time of development, the project will be served by central public water and sewer; at least one abutting property is developed; the project is compatible with surrounding land uses; the property in question has no common site development plan with adjacent property; there is no common ownership with any adjacent parcels; and

the parcel in question was not created to take advantage of the residential infill density bonus and was created prior to January 10, 1989. This bonus cannot be used to exceed the base density in the Low Residential (LR) Subdistrict.

2. This Residential Infill bonus shall only be applicable on a one time basis and shall not be expanded or continued to other adjacent properties, except for additional properties not exceeding 20 acres in aggregate when added to the original application of this provision and meeting all the above criteria.

**e. Roadway Access**

If the project has direct access to two (2) or more arterial or collector roads or if there is a project commitment for provision of interconnection of roads accessible to the public with existing or future abutting projects, one (1) dwelling unit per gross acre may be added above the base density of the Subdistrict. This bonus cannot be used to exceed the base density in the Low Residential (LR) Subdistrict.

**3. DENSITY AND INTENSITY BLENDING**

- a. This provision is intended to encourage unified plans of development and to preserve the high-quality wetlands, wildlife habitat, and other natural features that exist within areas of the Immokalee Urban Area, which are proximate to Lake Trafford and Camp Keais Strand. In the case of properties which are contiguous to Lake Trafford or Camp Keais Strand, which straddle the Immokalee Urban Area and the Rural Lands Stewardship Area Overlay (RLSA) as depicted on the countywide Future Land Use Map, and which were in existence and under unified control as of October 22, 2002, the allowable gross density and/or intensity may be shifted from the Urban designated lands to lands within the RLSA which are contiguous and under unified control, and which are designated as a Stewardship Receiving Area (SRA) in the RLSA. The density and/or intensity may be shifted on an acre per acre basis. This Density and Intensity Blending provision is further subject to the following conditions and limitations:
  1. The project in aggregate must be a minimum of 200 acres in size and the Urban portion must be designated Recreational/Tourist Subdistrict (RT) or Low Residential Subdistrict (LR) in the Immokalee Area Master Plan;
  2. It must be demonstrated the lands designated Urban have a high natural resource value as indicated by the presence of Group 1 or Group 2 FLUCCS Codes and a Natural Resource Index score of greater than 1.2 (both as identified on the Stewardship Credit Worksheet in the RLSA);
  3. Density and intensity may only be shifted from lands within the Immokalee Urban Area containing this high natural resource value (as measured above) to the lands within a contiguous SRA, on an acre per acre basis, providing such lands were under unified control as of October 22, 2002; and
  4. Lands within the Urban area, from which the density and/or intensity has been shifted, shall be placed in a conservation easement in perpetuity.
- b. For properties containing two or more Future Land Use Subdistricts, the overall density and/or intensity that could be achieved in aggregate may be distributed throughout the project, provided the total allowable density and/or intensity is not exceeded, and further subject to the following:
  1. The project furthers the protection, enhancement or restoration of wetlands, listed species habitat, or other natural features;
  2. The project is consistent with, and furthers the applicable objectives of, the Immokalee Area Master Plan and is compatible with surrounding properties and environment;

3. The project is approved as a Planned Unit Development; and
4. The project mitigates for any negative impacts on adjacent properties through appropriate measures, such as buffering, separation, or other land design techniques, adequate to lessen these effects.

## **B. URBAN—INDUSTRIAL DISTRICT**

The purpose of this District is to function as a major employment center and is intended to accommodate industrial, distribution, trade, agriculture, and manufacturing uses; essential services; and commercial uses as limited within each Subdistrict.

### **1. Industrial Subdistrict (IN)**

The purpose of this Subdistrict is to provide for industrial, distribution, trade and manufacturing uses. Allowed uses include a variety of industrial, limited commercial, and associated uses, including: manufacturing; processing; storage and warehousing; wholesaling; distribution; packing houses; recycling; high technology industries; laboratories; assembly; storage; computer and data processing; and commercial uses intended to serve the needs of employees and visitors, such as daycare centers, restaurants, and convenience stores. Accessory uses, and structures customarily associated with these principal uses include ancillary offices and retail sales.

### **2. Industrial – Mixed Use Subdistrict (I-MU)**

The purpose of this Subdistrict is to provide a transition area from the Industrial Subdistrict to adjacent commercial and residential land uses. The Immokalee State Farmers Market and related facilities are located in this Subdistrict. This Subdistrict allows for: higher intensity commercial uses as described in the LDC (Ordinance 04-41, as amended) for Commercial (C-4 and C-5), Research and Technology Parks PUD, and Business Park Districts, subject to development standards set forth in the LDC. This Subdistrict also allows for light manufacturing, processing, and packaging in fully enclosed buildings; research, design and product development; printing, lithography and publishing; and similar industrial uses. This Subdistrict also allows for agriculture uses and agricultural-related uses, such as packing houses; warehousing; and targeted industries. Targeted industries include distribution; medical laboratories, research, and rehabilitative centers; high technology; computer software, services, and processing, and similar uses.

Certain residential, mobile home and migrant transient housing uses are permitted on properties located at 1101, 1121, and 1123 Alachua Street, Immokalee, Florida, in accordance with the Mediated Settlement Agreement and Mutual Release relating to Case No. 08-9355-CA and Case No. 09-1281-CA, dated February 26, 2013 (See OR Book 4895, Page 1963 et seq. of the Official Public Records of Collier County, Florida). The Agreement references both the Commerce Center-Mixed Use Subdistrict of the Urban Mixed-Use District and the Commerce Center-Industrial Subdistrict of the Urban-Industrial District of the IAMP in effect on February 26, 2013.

### **3. Industrial – Immokalee Regional Airport Subdistrict**

The purpose of this Subdistrict is to allow the Collier County Airport Authority (CCAA) and leaseholders to develop the Immokalee Regional Airport and surrounding lands for the economic health and development of the greater Immokalee area and Collier County as a whole. Because the CCAA needs to retain flexibility to provide various general aviation and revenue-generating opportunities via land leases as the Airport grows and changes over time, a broad range of uses shall be allowed in this Subdistrict. In addition to all uses permitted in the Industrial Subdistrict, allowable uses include: airport facility and related

## COLLIER COUNTY LAND DEVELOPMENT CODE STAFF CLARIFICATION

### ZONING & LAND DEVELOPMENT STAFF CLARIFICATION SC 06-04

DATE: 1 December 2006

LDC SECTION: 2.03.01.D (RMF-6 Zoning District) & 4.02.01.A, Table 1 (Permitted Uses)

SUBJECT: Calculation of Density in RMF-6 Zoning

INITIATED BY: Staff

#### BACKGROUND/CONSIDERATIONS:

Density in RMF-6 zoning is a maximum of 6 units per acre, as the designator suggests; however the LDC (4.02.01.A, Table 1) states that the minimum lot area for a single-family home is 6,500 sq. ft.; for a duplex, 12,000 sq. ft.; and for three or more units, 5,500 per unit. This is extremely misleading. One-sixth of an acre (43,560 sq ft) is 7,260 sq. ft.

The old LDC (Ord. 91-102) identified the lesser lot areas (6,500 & 5,500) to be used for calculating density for Legal Nonconforming Lots of Record (LNC), but also indicated that these lesser lot areas constitute the minimum respective lot areas (single-family, duplex/two family, multi-family) for the zoning district. In the old LDC, the lesser lot areas therefore applied to both legal and LNC lots, and using these lesser lot areas could result in a density greater than 6 units per acre. The language indicating the application of the lesser lot areas to LNC lots was apparently omitted from the new LDC, although these lesser lot areas appear in Section 4.02.01.A., Table 1.

Section 2.03.01.D (RMF-6) states that "The maximum density permissible in the RMF-6 district and the Urban Mixed Use Land Designation shall be guided, in part, by the density rating system contained in the FLUE of the GMP. The maximum density permissible or permitted in the RMF-6 district shall not exceed the density permissible under the density rating system, except as permitted by policies contained in the FLUE."

#### DETERMINATION (CLARIFICATION):

In view of these contradictions, when calculating the density for **existing single conforming** lots of record, or **existing combined conforming** lots of record, or **existing combined legal nonconforming** lots of record, the total lot area should be divided by 7,260 sq. ft.

When calculating density for an **existing single legal nonconforming lot of record capable of supporting more than one dwelling unit**, the lot area should be divided by 6,500 sq. ft.; however the density of 6 units per acre may never be exceeded. When the resultant number includes a fraction of .5 or greater, it may be rounded off to the next whole number, never to exceed 6 units per acre. The LDC will be amended in the upcoming cycle to incorporate this clarification.

The minimum lot area needed for the creation of **new RMF-6 lots** will remain as indicated in Section 4.02.01.A, Table 1, so long as the density does not exceed the density of 6 units per acre permissible under the density rating system.

AUTHOR: Ross Gochenaur and Joyce Ernst (for Susan M. Istenes, AICP, Director, Department of Zoning & Land Development Review) )

cc: Zoning Department Staff  
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Correspondence File