

SUMMARY OF RECOMMENDED CHANGES

2011 EVALUATION & APPRAISAL REPORT (EAR)

Future Land Use Element

Goals, Objective and Policies: The entire Element should be revised to reflect the proper formatting of Goals, Objectives and Policies, as defined below.

Goal: General statement that defines what the Element will ultimately achieve.

Objective: A more specific statement than the stated Goal; describes actions that will help achieve the goal(s).

Policies: Specific statements that provide directives on how to achieve the objectives and ultimately the Element's goal(s).

Goals, Objective and Policies: The entire Element should be revised to reflect Department name changes, designee changes, renumbering due to objective and/or policy additions and/or deletions, and grammatical changes.

Policy 1.4: Revise to allow for, but not mandate, the creation of a District (perhaps replace "shall" with "may").

Policy 2.1: Revise to correct the CIE Policy reference.

Policy 2.4: If changes are made to the Density Rating System to delete the Traffic Congestion Area density reduction factor, as proposed, then revise this policy to delete that reference.

Policy 2.5: Revise to reflect the existence of the TCMA's (perhaps replace "shall designate" on first line with "has designated").

Policy 4.5 Revise to recognize the periodic update (perhaps replace the last sentence with a commitment to periodically update the inventory).

Policy 4.7: Revise to specify that a redevelopment plan may only be prepared by the County or its agent unless first approved by the Board, to add reference to the Immokalee Redevelopment Plan, and to correct the date reference.

Policy 5.3: Revise to clarify changes to the Urban designation refers to the new designation of lands as Urban (perhaps replace "changes" in the third line with "addition").

Policy 5.14: Revise as necessary to reflect the changed status and contents of the Inter-local Agreements as well as any changes necessary to correlate with the Public School Facilities Element.

- Objective 6:** Revise to reference the establishment of TCMA's in past tense (perhaps replace "are hereby" in the last sentence with "have been").
- Policy 6.3:** Revise paragraph e) to begin with a verb so as to follow the sentence structure (perhaps add "Providing" before "Vehicular").
- Objective 7:** Revise to reference reduction of greenhouse gas emissions (perhaps add "reduce greenhouse gas emissions," on the second line after "policies,").
- Policy 7.3:** Revise for proper wording (perhaps replace "and their interconnection points" with "and/or provide interconnection(s)."
- Policy 7.7:** Revise to update the Division name.

Office and In-fill Commercial Subdistrict: Revise criterion "I" regarding its applicability.

Density Rating System - Residential In-fill: Revise to eliminate TDR requirement.

Density Rating System - Traffic Congestion Area: Delete, and replace with a Coastal High Hazard Area density reduction factor; so reflect this on the FLUM; make correlating changes to all GMP references to this provision; revise both the Roadway Access and Proximity to Mixed Use Activity Center or Interchange Activity Center (residential density bands) bonuses to replace reference to this provision with CHHA reference; and, revise the Conversion of Commercial Bonus to prohibit its application within the CHHA.

Mixed Use Activity Center Subdistrict: Revise to reduce allowable density for residential-only projects within the CHHA to a maximum of 4 DU/A; revise the Master Planned Activity Center provision for clarity, and possible substantive change.

Rural Fringe Mixed Use District: Revise to clarify the District only applies to A-zoned lands; to correct a miss-numbering in the RFMUD Sending Lands designation; and, revise the Exemption provision to clarify the applicability of "expansion" and to delete unneeded text from the Exemption title.

Future Land Use Map: Revise the CHHA boundary to correlate with any CHHA boundary description change made in CCME Policy 12.2.5.

Planning Horizon Issue: Revise the various planning horizons in the GMP to be consistent.

Designation/District/Subdistrict Relationship: Revise throughout to clarify the relationship between Designations, Districts and Subdistricts.

Map FLUE-14 Existing Zoning Consistent with FLUE by Policy, Immokalee Area: Delete; replacement map to be adopted into the Immokalee Area Master Plan to correlate with new Policy 6.1.9 in that Master Plan.

**An Assessment of the Success and Shortcomings
and Recommendations
for the Future Land Use Element**

A. Introduction and 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 2004 EAR-based Amendments in January 2007, the FLUE has been amended on six occasions.

The FLUE includes three major sections: an Overview, the Implementation Section, and a Support Document 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) and correlating Future Land Use Designation Description Section. Collier County's FLUE gives emphasis to the future land use categories (designations) contained in the Future Land Use Designation Description Section of the Implementation Strategy. The Support Document is comprised of land use data and analysis which 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.

HB 697 was enacted by the Florida Legislature in 2008, and now, in part, is codified within Ch. 163.3177(6)(a) and (d). It requires the future land use plan to discourage urban sprawl, to be based upon energy-efficient land use patterns and to include greenhouse gas reduction strategies. All of these requirements are addressed in the existing Objectives and Policies within the FLUE, as noted in the assessment below. HB 697 also requires the future land use map to "identify and depict ... energy conservation." Collier County has no energy conservation features, such as the DeSoto Next Generation Solar Energy Center in DeSoto County, to depict on its future land use map. Instead, energy conservation measures occur at a micro scale, e.g. solar panels on individual single family dwellings.

B. Objective Analysis

OBJECTIVE 1:

Unless otherwise permitted in this Growth Management Plan, new or revised uses of land shall be consistent with designations outlined on the Future Land Use Map. The Future Land Use Map and companion Future Land Use Designations, Districts and Sub-districts shall be binding on all Development Orders effective with the adoption of this Growth Management Plan. 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 Future Land Use Map 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. *[This Objective is provided for contextual purposes only; no change is proposed]*

Policy Relevance:

Policy 1.4:

The CONSERVATION Future Land Use Designation shall include a Future Land Use District.

Policy Achievement Analysis:

This Policy has existed in the FLUE since the GMP was adopted in 1989. A District has never been created - or needed - in this Designation. However, the potential remains for a District to be created.

This Policy remains relevant and should be retained, but should be revised to allow for, but not mandate, the creation of a District (perhaps replace “shall” with “may”).

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. *[This Objective is provided for contextual purposes only; no change is proposed]*

Policy Relevance:

Policy 2.1:

The County shall prepare annually the Annual Update and Inventory Report (AUIR) on Public Facilities which shall include a determination of the existing conditions of capital public facilities, determine the remaining available capacity, forecast future needs in the five year capital improvement schedule and identify needed improvements and funding to maintain the level of service adopted in Policy 1.1.5 of the Capital Improvements Element.

Policy Achievement Analysis:

The annual preparation of an AUIR continues to be a valuable tool for Collier County.

This Policy remains relevant and should be retained, but should be revised to correct the CIE Policy reference.

Policy 2.4

Pursuant to Rule 9J-5.0055(6)(a) 3., Florida Administrative Code and the Urban Infill and Urban Redevelopment Strategy contained in this Element, development located within the South U.S. 41 Transportation Concurrency Exception Area (TCEA) (See Map TR-4) may be exempt from transportation concurrency requirements, so long as impacts to the transportation system are mitigated using the procedures set forth in Policy 5.5 of the Transportation Element.

Developments within the South U.S. 41 TCEA that obtain an exception from concurrency requirements for transportation, pursuant to the certification process described in Transportation Element, Policy 5.5, and that include affordable housing (as per Section 2.06.00 the Collier County Land Development Code, as amended) as part of their plan of development

shall not be subject to the Traffic Congestion Density Reduction requirement as contained in the Density Rating System of this Element.

Developments within the Northwest and East-Central TCMA that meet the requirements of FLUE Policies 6.1 through 6.5, and Transportation Policies 5.7 and 5.8, and that include affordable housing (as per Section 2.06.00 of the Collier County Land Development Code, as amended) as part of their plan of development shall not be subject to the Traffic Congestion Density Reduction requirement as contained in the Density Rating System of this Element.

Developments within the South U.S. 41 TCEA that do not obtain certification pursuant to Policy 5.6 of the Transportation Element shall meet all concurrency requirements. Whether or not a concurrency exception is requested, developments shall be subject to a concurrency review for the purpose of reserving capacity for those trips associated with the development and maintaining accurate counts of the remaining capacity on the roadway network.

Policy Achievement Analysis:

The provisions of this Policy remain viable and appropriate.

This Policy remains relevant and should be retained as written. However, if changes are made to the Density Rating System to delete the Traffic Congestion Area density reduction factor, as proposed later in this FLUE Assessment, then this policy should be revised to delete that reference.

Policy 2.5

The County shall designate Transportation Concurrency Management Areas (TCMA) to encourage compact urban development where an integrated and connected network of roads is in place that provides multiple, viable alternative travel paths or modes for common trips. Performance within each TCMA shall be measured based on the percentage of lane miles meeting the LOS described in Policies 1.3 and 1.4 of the Transportation Element. Standards within TCMA are provided in Policy 5.8 of the Transportation Element. New Development within each TCMA shall be consistent with the criteria set forth in Objective 6, and Policies 6.1 through 6.5 of this Element. The following Transportation Concurrency Management Areas are hereby designated:

1. Northwest TCMA – This area is bounded by the Collier - Lee County Line on the north side; the west side of the I-75 right-of-way on the east side; Pine Ridge Road on the south side; and, the Gulf of Mexico on the west side (See Map TR-5).
2. East Central TCMA – This area is bounded by Pine Ridge Road on the north side; Collier Boulevard on the east side; Davis Boulevard on the south side, and; Livingston Road (extended) on the west side (See Map TR-6).

Policy Achievement Analysis:

Collier County has designated both referenced TCMA.

This Policy remains relevant and should be retained, but should be revised to reflect the existence of the TCMA (perhaps replace “shall designate” on first line with “has designated”).

OBJECTIVE 4:

In order to improve coordination of land uses with natural and historic resources, public facilities, economic development, housing and urban design, the Future Land Use Element shall be continually refined through detailed planning. Future studies might address specific

geographic or issue areas. All future studies must be consistent with the Growth Management Plan and further its intent. [This Objective is provided for contextual purposes only; no change is proposed]

Policy Relevance:

Policy 4.5:

An Industrial Land Use Study has been developed and a summary of the Study has been incorporated into the support document of this Growth Management Plan. The Study includes a detailed inventory of industrial uses, projections of demand for industrial land, and recommendations for future land use allocations and locational criteria. Subsequent to completion of the Economic Element of this Growth Management Plan, adopted in December 2003, staff shall prepare an update to the Industrial Land Use Study.

Policy Achievement Analysis:

This Policy provides historical reference to an Industrial Land Use Study. Collier County has prepared an update to the Study, by updating the Industrial inventory, about every 2-3 years, depending upon staffing and workload. Such updates should continue to be prepared.

This Policy remains relevant and should be retained, but should be revised to recognize the periodic update (perhaps replace the last sentence with a commitment to periodically update the inventory).

Policy 4.7:

The Board of County Commissioners may consider whether to adopt redevelopment plans for existing commercial and residential areas. Such plans may include alternative land uses, modifications to development standards, and incentives that may be necessary to encourage redevelopment. The Bayshore/Gateway Triangle Redevelopment Plan was adopted by the Board on March 14, 2000; it encompasses the Bayshore Drive corridor and the triangle area formed by US 41 East, Davis Boulevard and Airport-Pulling Road. Other specific areas that may be considered by the Board of County Commissioners for redevelopment include, but are not necessarily limited to:

- a. Pine Ridge Road, between U.S. 41 North and Goodlette-Frank Road;**
- b. U.S. 41 North in Naples Park; and,**
- c. Bonita Beach Road between Vanderbilt Drive and the west end of Little Hickory Shores #1 Subdivision.**

Policy Achievement Analysis:

The only redevelopment plans approved by the Board are within the boundaries of a CRA (Bayshore/Gateway Triangle and Immokalee). Preparation of redevelopment plans in the future, as may be directed by the Board, remains an appropriate planning opportunity. Omitted from this Policy is reference to the Immokalee Redevelopment Plan. Also, the referenced date is incorrect.

This Policy remains relevant and should be retained, but should be revised to specify that such a redevelopment plan may only be prepared by the County or its agent unless first approved by the Board, to add reference to the Immokalee Redevelopment Plan, and to correct the date reference.

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. *[This Objective is provided for contextual purposes only; no change is proposed]*

Policy Relevance:

Policy 5.3:

Discourage unacceptable levels of urban sprawl in order to minimize the cost of community facilities by: confining urban intensity development to areas designated as Urban on the Future Land Use Map; requiring that any changes to the Urban Designated Areas be contiguous to an existing Urban Area boundary; and, encouraging the use of creative land use planning techniques and innovative approaches to development in the County's Agricultural/Rural designated area, which will better serve to protect environmentally sensitive areas, maintain the economic viability of agriculture and other predominantly rural land uses, and provide for cost efficient delivery of public facilities and services.

Policy Achievement Analysis:

Collier County implements this Policy through the provisions of the Urban designation as well as the Rural Fringe Mixed Use District and Rural Lands Stewardship Area Overlay.

This Policy remains relevant and should be retained, but should be revised to clarify changes to the Urban designation refers to the new designation of lands as Urban (perhaps replace "changes" in the third line with "addition").

Public Comment (Community Meeting held on 1/25/10):

Public stated, regarding below item at FLUE Policy 5.6 ("encourage "experimental" zoning ..."), change the TDR program to require use of TDR's to obtain additional density (cluster housing, guesthouses).

Policy 5.14:

Public educational plants and ancillary plants:

- a. Existing public educational plants and ancillary plants: The sites containing existing public educational plants (schools and associated on-site facilities, including sports stadiums, gymnasiums and recreation areas) and ancillary plants (support facilities, including administrative offices, transportation facilities, maintenance yards, and bus barns) are depicted on the Future Land Use Map Series and Public School Facilities Element Map Series. This includes four sites where educational plants have been approved but construction either has not commenced or is not completed. More detailed descriptions or depictions of all of the sites containing these existing educational plants and ancillary plants are contained in the FLUE Support Document. Expansion of these educational plants and ancillary plants on these existing sites, as well as expansions to the sites themselves, are subject to the provisions outlined in the general Interlocal Agreement, adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners, and as subsequently amended and restated, with an effective date of December 2008, and subject to the implementing land development regulations to be adopted; and, shall be subject to the School Board Review (SBR) Interlocal Agreement, adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners, and subject to the implementing land development regulations.
- b. Existing sites for future public educational plants: The Collier County School Board has acquired numerous sites for which educational plants are planned for future development;

these sites contain no existing educational plants. These sites are consistent with locational criteria established by the SBR Interlocal Agreement and as contained in the FLUE, GGAMP, or IAMP, as applicable, and are allowed within the existing zoning district on the property. These sites are depicted on the Future Land Use Map Series and Public School Facilities Element Map Series. Development of the mapped sites shall be subject to the provisions of the general Interlocal Agreement adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners, and as subsequently amended and restated, with an effective date of December 2008, and subject to the implementing land development regulations to be adopted; and, shall be subject to the School Board Review (SBR) Interlocal Agreement, adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners, and subject to the implementing land development regulations.

- c. Existing sites for future public ancillary plants: The Collier County School Board has acquired sites for which ancillary plants are planned for future development; these sites contain no existing ancillary plants. These sites are consistent with locational criteria established by the SBR Interlocal Agreement and as contained in the FLUE, GGAMP, or IAMP, as applicable, and are allowed within the existing zoning district on the property. These sites are depicted on the Future Land Use Map Series and Public School Facilities Element Map Series. Development of the mapped sites shall be subject to the provisions of the general Interlocal Agreement adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners, and as subsequently amended and restated, with an effective date of December 2008, and subject to the implementing land development regulations to be adopted; and, shall be subject to the School Board Review (SBR) Interlocal Agreement, adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners, and subject to the implementing land development regulations.
- d. Future sites for public educational plants and ancillary plants: As additional sites for educational plants and ancillary plants are acquired by the Collier County School Board and deemed to be consistent with the FLUE, GGAMP, or IAMP, as applicable, and allowed by existing zoning on the site, these sites will be added to the Future Land Use Map Series and Public School Facilities Element Map Series, as provided for in the general Interlocal Agreement, adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners, and as subsequently amended and restated, with an effective date of December 2008, and subject to the implementing land development regulations to be adopted; and, shall be subject to and the School Board Review (SBR) Interlocal Agreement, adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners. Future development of these sites will be subject to the provisions of the aforementioned general Interlocal Agreement and SBR Interlocal Agreement, and subject to the implementing land development regulations. Prior to site acquisition, the Collier County School District will provide notification to property owners as follows: 1) for sites located within the Urban Designated Area of the Future Land Use Element of the Growth Management Plan, notices shall be sent to all owners of property within 500 linear feet of the property lines of the site under consideration for acquisition; 2) for sites not located within the Urban Designated Area of the FLUE of the Growth Management Plan, notices shall be sent to all owners of property within 1,000 linear feet of the property lines of the site under consideration for acquisition. At the public hearing to consider the land acquisition, all public commentary received as a result of these notices will be provided to the Collier County School Board.
- e. Zoning district provisions for future educational plants: Except to the extent that such would be in conflict with the Rural Fringe Mixed Use District adopted on June 19, 2002, or the Rural Lands Stewardship Area Overlay adopted on October 22, 2002, all future educational plants shall be allowed in zoning districts as follows:

- (1) Educational plants are prohibited in the Residential Tourist (RT), Golf Course (GC), Conservation (CON), Travel Trailer Recreational Vehicle Campground (TTRVC), Business Park (BP), and Industrial (I) zoning districts.
 - (2) Educational plants are permitted by right in all other zoning districts. However, for a high school facility to be located in any residential zoning district, or Estates (E) zoning district, or residential component of a PUD, a formal compatibility review and determination is required, as set forth in the general Interlocal Agreement, adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners, and as subsequently amended and restated, with an effective date of December 2008, and the School Board Review (SBR) Interlocal Agreement, adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners.
- f. Zoning district provisions for future ancillary plants: Except to the extent that such would be in conflict with the Rural Fringe Mixed Use District adopted on June 19, 2002, or the Rural Lands Stewardship Area Overlay adopted on October 22, 2002, all future ancillary plants shall be allowed in zoning districts as follows:
- (1) Ancillary plants are prohibited in the Residential Single Family (RSF-1 through RSF-6), Mobile Home (MH), Travel Trailer Recreational Vehicle Campground (TTRVC), Golf Course (GC), and Conservation (CON) zoning districts.
 - (2) Ancillary plants are permitted by right in the General Commercial (C-4), Heavy Commercial (C-5), and Industrial (I) zoning districts.
 - (3) Ancillary plants are permitted by conditional use approval in all other zoning districts.

Policy Achievement Analysis:

This Policy recognizes and implements the two Inter-local Agreements adopted in 2003 by the BCC and Collier County School Board. Since then, one of the Agreements has been superseded (adopted in 2008 along with the Public School Facilities Element), the other one has expired and its replacement is presently being negotiated.

This Policy remains relevant and should be retained, but should be revised as necessary to reflect the changed status and contents of the Agreements as well as any changes necessary to correlate with the Public School Facilities Element.

Objective 6

Transportation Concurrency Management Areas (TCMAs) are geographically compact areas designated in local government comprehensive plans where intensive development exists, or such development is planned. New development within a TCMA shall occur in a manner that will ensure an adequate level of mobility (as defined in Policy 5.8 of the Transportation Element) and further the achievement of the following identified important state planning goals and policies: discouraging the proliferation of urban sprawl, protecting natural resources, protecting historic resources, maximizing the efficient use of existing public facilities, and promoting public transit, bicycling, walking and other alternatives to the single occupant automobile. Transportation Concurrency Management Areas are hereby established in the specific geographic areas described in Policy 2.5 of this Element.

Objective Achievement Analysis:

TCMAs remain a viable transportation management tool. This Objective is still appropriate, all the more so given the requirements and direction of HB 697 enacted by the Florida Legislature in 2008.

This Objective remains relevant and should be retained, but should be revised to reference the establishment of TCMA's in past tense (perhaps replace "are hereby" in the last sentence with "have been").

Public Comment (Community Meeting held on 1/25/10):

Public stated County should reserve right-of-way for light rail.

Policy Relevance:

Policy 6.3:

In order to be exempt from link specific concurrency, new residential development or redevelopment within Collier County's designated Transportation Concurrency Management Areas (TCMA's) shall utilize at least two of the following Transportation Demand Management (TDM) strategies, as may be applicable:

- a) **Including neighborhood commercial uses within a residential project.**
- b) **Providing transit shelters within the development (must be coordinated with Collier County Transit).**
- c) **Providing bicycle and pedestrian facilities, with connections to abutting commercial properties.**
- d) **Including affordable housing (minimum of 25% of the units) within the development.**
- e) **Vehicular access to abutting commercial properties.**

Policy Achievement Analysis:

This Policy is still appropriate, all the more so given the requirements and direction of HB 697 enacted by the Florida Legislature in 2008.

This Policy remains relevant and should be retained, but paragraph e) should be revised to begin with a verb so as to follow the sentence structure (perhaps add "Providing" before "Vehicular").

OBJECTIVE 7

In an effort to support the Dover, Kohl & Partners publication, *Toward Better Places: The Community Character Plan for Collier County, Florida*, promote smart growth policies, and adhere to the existing development character of Collier County, the following policies shall be implemented for new development and redevelopment projects, where applicable.

Objective Achievement Analysis:

The direction provided by this Objective is still appropriate, all the more so given the requirements and direction of HB 697 enacted by the Florida Legislature in 2008. Comprehensive Planning staff reviews all rezone and conditional use petitions for compliance with the Policies under this Objective.

This Objective remains relevant and should be retained, but should be revised to reference reduction of greenhouse gas emissions (perhaps add "reduce greenhouse gas emissions," on the second line after "policies,").

Public Comment (Community Meeting held on 1/25/10):

Public stated encourage smart growth principles – mixed use, urban infill, walkable communities, alternate transportation modes, and more green space.

Policy Relevance:

Policy 7.3

All new and existing developments shall be encouraged to connect their local streets and their interconnection points with adjoining neighborhoods or other developments regardless of land use type.

Policy Achievement Analysis:

The direction provided by this Policy is still appropriate, all the more so given the requirements and direction of HB 697 enacted by the Florida Legislature in 2008.

This Policy remains relevant and should be retained, but should be revised for proper wording as connecting interconnection points is nonsensical (perhaps replace “and their interconnection points” with “and/or provide interconnection(s).”

Public Comment (Community Meeting held on 3/15/10):

Public stated stress interconnection and continuity.

Policy 7.7

The Community Development and Environmental Services Division will continue to research smart growth practices in an effort to improve the future of Collier County by specifically addressing land use and transportation planning techniques for inclusion in future land development regulations.

Policy Achievement Analysis:

The direction provided by this Policy is still appropriate, all the more so given the requirements and direction of HB 697 enacted by the Florida Legislature in 2008.

This Policy remains relevant and should be retained, but should be revised to update the Division name to reflect 2010 reorganization.

C. Future Land Use Designation Description – Assessment of Select Provisions

In addition to the above Assessment of FLUE GOPs, staff provides below an Assessment of select portions of the Future Land Use Designation Description Section.

Urban Designation, Urban Mixed Use District, Office and In-fill Commercial Subdistrict

The intent of this Subdistrict is to allow low intensity office commercial or infill commercial development on small parcels within the Urban Mixed Use District located along arterial and collector roadways where residential development, as allowed by the Density Rating System, may not be compatible or appropriate. Lower intensity office commercial development attracts low traffic volumes on the abutting roadway(s) and is generally compatible with nearby residential and commercial development. The criteria listed below must be met for any project utilizing this Subdistrict. For purposes of this Subdistrict, “abuts” and “abutting” excludes intervening public street, easement (other than utilities) or right-of-way, except for an intervening local street; and “commercial” refers to C-1 through C-5 zoning districts and commercial components of PUDs.

a. The subject site is in the Urban-Mixed Use District.

- b. The subject site abuts a road classified as an arterial or collector on the Collier County Functional Class Map, as adopted in the Transportation Element.
- b. A rezone to commercial zoning is requested for the subject property in its entirety, up to a maximum of 12 acres. For a property greater than 12 acres in size, the balance of the property in excess of 12 acres is limited to an environmental conservation easement or open space. Under this provision, "open space" shall not include water management facilities unless said facilities are incorporated into a conservation or preservation area for the purpose of enhancement of the conservation or preservation area.
- c. The site abuts commercial zoning:
 - (i) On one side and non-commercial zoning on the other side; or,
 - (ii) On both sides.
- e. The abutting commercial zoning may be in the unincorporated portion of Collier County or in a neighboring jurisdiction.
- f. The depth of the subject property in its entirety, or up to 12 acres for parcels greater than 12 acres in size, for which commercial zoning is being requested, does not exceed the depth of the commercially zoned area on the abutting parcel(s). Where the subject site abuts commercial zoning on both sides, and the depth of the commercially zoned area is not the same on both abutting parcels, the Board of County Commissioners shall have discretion in determining how to interpret the depth of the commercially zoned area which cannot be exceeded, but in no case shall the depth exceed that on the abutting property with the greatest depth of commercial area. This discretion shall be applied on a case-by-case basis.
- g. Project uses are limited to office or low intensity commercial uses if the subject property abuts commercial zoning on one side only. For property abutting commercial zoning on both sides, the project uses may include those of the highest intensity abutting commercial zoning district.
- h. The subject property in its entirety was not created to take advantage of this provision, evidenced by its creation prior to the adoption of this provision in the Growth Management Plan on October 28, 1997.
- i. For those sites that have existing commercial zoning abutting one side only:
 - (i) commercial zoning used pursuant to this Subdistrict shall only be applied one time and shall not be expanded, except for aggregation of additional properties so long as all other criteria under this Subdistrict are met; and,
 - (ii) uses shall be limited so as to serve as a transitional use between the commercial zoning on one side and non-commercial zoning on the other side.
- j. For those sites that have existing commercial zoning abutting both sides, commercial zoning used pursuant to this Subdistrict shall only be applied one time and shall not be expanded, except for aggregation of additional properties so long as all other criteria under this Subdistrict are met.
- k. Lands zoned for support medical uses pursuant to the "1/4 mile support medical uses" provision in the Urban designation shall not be deemed "commercial zoning" for purposes of this Subdistrict.
- l. For properties zoned commercial pursuant to any of the Infill Subdistricts in the Urban Mixed Use District or in the Urban Commercial District, said commercial zoning shall not qualify to cause the abutting property(s) to become eligible for commercial zoning under this Office and Infill Commercial Subdistrict.
- m. Land adjacent to areas zoned C-1/T on the zoning atlas maps, or other commercial zoning obtained via the former Commercial Under Criteria provision in the FLUE, shall not be eligible for a rezone under the Office and Infill Commercial Subdistrict, except through aggregation as provided in Paragraphs i. and j. above.
- n. For purposes of this Subdistrict, property abutting land zoned Industrial or Industrial PUD, or abutting lands zoned for Business Park uses pursuant to the Business Park Subdistrict,

or abutting lands zoned for Research and Technology Park uses pursuant to the Research and Technology Park Subdistrict, shall also qualify for commercial zoning so long as all other criteria under the Office and Infill Commercial Subdistrict are met.

- o. At time of development, the project will be served by central public water and sewer.
- p. The project will be compatible with existing land uses and permitted future land uses on surrounding properties.
- q. The maximum acreage eligible to be utilized for the Office and Infill Commercial Subdistrict within the Urban Mixed Use District is 250 acres.

Provision Analysis:

This subdistrict, adopted in 1997 pursuant to the 2004 EAR, is intended to promote commercial infill development on relatively small parcels in the Urban area, and contains numerous parameters that must be met to qualify. It has been used several times. Criterion "1" is intended to prevent use of this subdistrict to "piggyback" on other infill subdistricts. However, if a parcel were adjacent to property rezoned to commercial pursuant to an infill subdistrict on one side, and other commercial zoning on the other side, that parcel would be treated as abutting commercial on one side only, thus be limited to "office or low intensity commercial uses;" this may be nonsensical, depending upon the intensity of those adjacent commercial zoning districts.

The County recommends this Subdistrict be retained but criterion "1" be revised to only apply to situations where commercial zoning attained via an infill subdistrict is the only abutting commercial zoning.

Urban Designation, Density Rating System

Residential In-fill:

To encourage residential in-fill in areas of existing urban development outside of the Coastal High Hazard Area, a maximum of 3 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) At time of development, the project will be served by central public water and sewer;
- (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 Growth Management Plan on January 10, 1989;
- (g) Of the maximum 3 additional units, one (1) dwelling unit per acre shall be transferred from Sending Lands; and,
- (h) Projects qualifying under this provision may increase the density administratively by a maximum of one dwelling unit per acre by transferring that additional density from Sending Lands.

Provision Analysis:

In the FLUE, the system currently contains both density bonuses and a density reduction. Within most parts of the Urban Area, the base (or minimum) eligible residential density (i.e., the number of units allowed per acre) is four units per gross acre and the maximum eligible density is 16 units per acre, with one exception; eligible density is not an entitlement. This system allows a residential project, or the residential portion of a mixed-use project, to request increased residential density above the base density, or to lose density, if the project meets certain criteria. There are seven density bonus

provisions and one density reduction provision. A project may, or may not, be eligible for any number or combination of these bonuses.

The Residential Infill bonus has existed since the GMP was adopted in 1989 and has been used numerous times. However, as part of the Rural Fringe GMP amendments adopted in 2002, this bonus provision was modified to increase the eligible property size from 10 to 20 acres, and to add the requirement that part of the density bonus be derived from TDR credits obtained from RFMUD Sending Lands. The purpose of requiring TDR credits was to help insure the success of the TDR program. It has not worked; since the 2002 amendment, this bonus provision has rarely been used – perhaps once or twice. Though the purpose for requiring use of TDR credits remains valid, that requirement has stifled the use of this bonus provision intended to encourage infill development.

The County recommends the TDR requirement be eliminated.

[Recommendation from October 8, 2010 Florida Department of Transportation (FDOT) Comments to the DCA on Proposed EAR (Comment #13): "It is not clear how much additional development could occur should the elimination of the TDR requirement to qualify for the Residential Infill bonus density occur. Should substantial additional development occur from this amendment, the department recommends that an area wide traffic study be conducted and supporting documentation be provided to establish that adequate capacity will be available for new trips that will impact state facilities for the long-term horizon year and short-term year 2015 conditions."]

Collier County response:

The existing Residential Infill bonus provision allows a density bonus of up to three dwelling units per acre (3 DU/A), as would the provision with the recommended amendment. The recommended amendment itself does not allow for a density increase, rather changes how that same density bonus of up to 3 DU/A is derived. However, Collier County acknowledges that the use of this provision is expected to increase if the recommended amendment is adopted, resulting in more density than would be expected without the amendment. The extent of the total density increase resulting from the recommended amendment has not yet been quantified by staff. This should occur prior to the CCPC Adoption hearing.

Urban Designation, Density Rating System

Traffic Congestion Area:

If the project lies within the Traffic Congestion Area, an area identified as subject to long range traffic congestion, one dwelling unit per gross acre would be subtracted from the eligible base density of four dwelling units per acre. The Traffic Congestion Boundary is shown on the Future Land Use Map and consists of the western coastal Urban Designated Area seaward of a boundary marked by Airport-Pulling Road (including an extension north to the Lee County boundary.) 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 the intersection of Rattlesnake Hammock Road and County Road 951 (including an extension to the east, but exclusive of the outlying Urban designated areas of Copeland, Port of the Islands, Plantation Island, and Chokoloskee). Properties adjacent to the Traffic Congestion Area shall be considered part of 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 the Traffic Congestion Area it will not be subject to the density reduction. Furthermore, the density reduction shall not apply to developments located within the South U.S. 41 TCEA (as identified within Transportation Element, Map TR-4, and Transportation Element Policies 5.5 and 5.6, and FLUE Policy 2.4) that obtain an exception from concurrency requirements for transportation, pursuant to the