

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.

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