

Lee Plan Goal 28: Lee Plan Goal 28: Alva Community Plan Topic Summary & Lee Plan Amendments

Lee County staff hosted a community visioning workshop at the Lee Plan Goal 28: Alva Community Park in March 2018 pertaining to the Lee Plan Goal 28: Alva Community Plan, Goal 28 of the Lee Plan. The visioning workshop was the first step in defining and updating the community planning goals for the Lee Plan Goal 28: Alva Community Plan area. The input received from the workshop was analyzed by staff and grouped into five topics. Based on the topics that were identified as important to Alva stakeholders, staff is proposing the following Alva Community Plan, Goal 28 is proposed:

GOAL 28: ALVA COMMUNITY PLAN. Manage future growth in the Alva Community Plan area so as to: preserve its existing rural and agricultural land use pattern; support its viable and productive agricultural operations; and, protect its historic and environmental resources.

The five topic areas identified by the Alva community through this process are:

- Community Character (Page 1);
- Commercial Development (Page 8);
- Natural Resources (Page 10);
- Public Facilities (Page 11); and,
- School Facilities and curriculum (Page 15)

Each topic is addressed with proposed Lee Plan and, for some topics, Land Development Code amendments. In some cases, revisions to Goal 27, Northeast Lee County, are proposed to fully address topics important to Alva stakeholders.

Community Character

Public input indicated community character of Alva should be maintained by limiting density to one unit an acre in the Rural future land use category, clustering development to preserve large areas of open space, maintaining the character and pattern of the “Alva Village,” and limitations on amending the Future Land Use Map to future land use categories that allow more density and/or intensity. The Community Plan area currently has future land use categories that limit density to less than one unit per acre, including Density Reduction/Groundwater Resource and Open Lands. The Community Plan area also includes future land use categories that allow density of more than one dwelling units per acre, including Urban Community and Outlying Suburban. There are legal challenges to restricting residential densities to less than what is currently allowed.

LEE PLAN AMENDMENTS

Staff is proposing the following Lee Plan and Land Development Code provisions to address the design of future residential uses to fit the desired community character, creation and implementation of a Northeast Lee County Transfer of Development Rights Program, and maintenance of the development pattern with the Alva Village as follows:

OBJECTIVE 27.1: AGRICULTURAL AND RURAL CHARACTER. Protect the viability of commercial agricultural operations, preserve open space, and retain the rural character of land located within the boundaries of the Northeast Lee County Community Plan area. For the purposes of this objective, rural character is defined as those characteristics that convey a sense of rural lifestyle such as large lots or clustered development, views of wooded areas, open spaces, and river fronts, working farms and productive agricultural uses, and preservation of environmentally sensitive lands. (Ordinance No. 11-14, 18-18)

POLICY 27.1.1: Protect existing commercial agricultural operations and encourage new commercial agricultural operations by considering the effects of land use actions on such operations. (Ordinance No. 11-14, 18-18)

POLICY 27.1.2: New development must be clustered in order to conserve and protect large areas of open lands and ensure compatibility with adjacent residential and agricultural uses. (Ordinance No. 11-14, 18-18)

POLICY 27.1.3: Coordinate planning activities in the Alva and North Olga Community Plan area boundaries to maintain and enhance the rural character, natural resources, agriculture, and connectivity of Northeast Lee County. (Ordinance No. 18-18)

POLICY 27.1.6: Bonus density is not permitted within the Northeast Lee County Community Plan area

OBJECTIVE 27.2: NORTHEAST LEE COUNTY TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM. Preserve the rural character, retain agricultural land uses, and promote the conservation and restoration of rare and unique upland habitats and wetlands within the Northeast Lee County Community Plan area by incorporating the Northeast Lee County TDR program into the Land Development Code.

POLICY 27.2.1: The Northeast Lee County TDR program will have the following characteristics:

a. Creation of Transferable Development Units (TDUs).

1. Up to one (1) TDU may be created per five (5) acres of preserved or restored wetlands.
 2. In the Rural future land use category:
 - a. Up to one (1) TDU may be created for each one (1) acre of upland encumbered by an agricultural easement meeting the requirements of the Land Development Code, Chapter 2, Article IV.
 - b. Up to two (2) TDUs may be created for each one (1) acre of indigenous or restored native vegetated upland encumbered by a conservation easement.
 3. In the Open Lands future land use category:
 - a. Up to one (1) TDU may be created for each five (5) acres of upland encumbered by an agricultural easement meeting the requirements of the Land Development Code, Chapter 2, Article IV.
 - b. Up to one (1) TDU may be created for each 2.5 acres of indigenous or restored native vegetated upland encumbered by a conservation easement.
 4. In the DR/GR future land use category:
 - a. Up to one (1) TDU may be created for each ten (10) acres of upland encumbered by an agricultural easement meeting the requirements of the Land Development Code, Chapter 2, Article IV.
 - b. Up to one (1) TDU may be created for each five (5) acres of indigenous or restored native vegetated upland encumbered by a conservation easement.
 5. Up to two (2) TDUs may be created from a single-family lot or parcel designated as wetlands that holds an affirmative Minimum Use Determination pursuant to Chapter XIII.
- b. Receiving area density and intensity equivalents of Northeast Lee County TDUs.
1. One (1) Northeast Lee County TDU will be equal up to two (2) dwelling units when transferred to eligible receiving lands located outside of the Northeast Lee County Community Plan area.
 2. One (1) Northeast Lee County TDU will be equal up to one (1) dwelling unit when transferred to eligible receiving lands as specified in the Alva and North Olga Community Plans.

POLICY 27.2.2: Properties located within the Northeast Lee County Community Plan area may only receive Northeast Lee County TDUs. (Ordinance No. 11-14, 18-18)

POLICY 27.2.3: The County will administer the TDR program and will develop a clear and concise forum to disseminate program information and records, including but not limited to a: TDR program website that will provide general program information, rules and guidelines; TDU administrative determination application; county-approved form of conservation easement; certified TDU database with ownership information; and, TDU

clearinghouse for those individuals that request to be included within the TDU clearinghouse program.

POLICY 27.2.4: The Land Development Code may include regulations that permit the County to evaluate the effectiveness of the Northeast Lee County TDR program and make changes which may further condition or restrict the use of Northeast Lee County TDUs.

OBJECTIVE 28.1: LAND USE. Protect the rural character of the Alva Community Plan area. Rural character is defined as those characteristics that convey a sense of rural lifestyle such as large lots or clustered development, views of wooded areas, open spaces, and river fronts, working farms and productive agricultural uses, and preservation of environmentally sensitive lands.

POLICY 28.1.1: Amendments changing the category of the Future Land Use Map to a Future Suburban Area or Future Urban Area within the Alva Community Plan area must demonstrate consistency with the Lee Plan through a concurrent planned development rezoning.

POLICY 28.1.2: Maintain land development regulations that incorporate rural characteristics in the design of both residential and non-residential developments.

POLICY 28.1.5: Residential development must be designed to minimize impacts on surrounding existing agricultural uses and areas.

OBJECTIVE 28.2: ALVA VILLAGE. Protect the historic resources located within the Alva Community Plan area and establish the Alva Village, as depicted on Map 1, Page 6, where future development is designed to complement the existing historic architectural styles and maintain the compact development pattern.

POLICY 28.2.1: Maintain the Alva Methodist Church and the Alva School buildings as the dominant features within the Alva Village.

POLICY 28.2.2: Formally recognize historic resources by supporting the designation of historic buildings and districts located within the Alva Community Plan area consistent with the Historic Preservation element.

POLICY 28.2.3: Within the Alva Village, the land development regulations for the Mixed Use Overlay may only be used to accommodate the preservation or the adaptive reuse of existing structures and/or to maintain existing development patterns within the Alva Village.

LAND DEVELOPMENT CODE AMENDMENTS

Staff is also proposing new implementing language in the Land Development Code as follows:

Sec. 2-148. - Establishment of transfer of development rights program.

- (a) The transfer of development rights program provides that a TDU may be established from property that:
 - (1) Are designated wetlands under the comprehensive plan;
 - (2) Contains jurisdictional wetlands as defined through the use of the unified state delineation methodology;
 - (3) Is located within the Greater Pine Island Planning Community; ~~or~~
 - (4) Is designated as density reduction/groundwater resource (DR/GR) by the Lee Plan and is within the Southeast Lee County Planning Community; or
 - (5) Is designated as Rural, Open Lands, or DR/GR by the Lee Plan and is located within the Northeast Lee County Community Plan area.

Sec. 2-155. – Computation of Northeast Lee County TDUs

- (a) One TDU may be established per five acres of preserved or restored wetlands.
- (b) Rural: TDU credits may be established for lands designated Rural on the Future Land Use Map of Lee County as follows:
 - (1) One TDU may be created for each one acre of upland encumbered by an agricultural easement that meets the requirements of section 2-148.
 - (2) Two TDUs may be created for each one acre of indigenous native or restored native vegetated upland encumbered by a conservation easement that meets the requirements of section 2-148. Indigenous native vegetation is defined in section 10-1.
- (c) Open Lands: TDU credits may be established for lands designated Open Lands on the Future Land Use Map of Lee County as follows:
 - (1) One TDU may be created for each five acres of upland encumbered by an agricultural easement that meets the requirements of section 2-148.
 - (2) One TDU may be created for each 2.5 acres of indigenous native or restored native vegetated upland encumbered by a conservation easement that meets the requirements of section 2-148. Indigenous native vegetation is defined in section 10-1.

- (d) Density Reduction/Groundwater Resource: TDU credits may be established for lands designated Density Reduction/Groundwater Resource on the Future Land Use Map of Lee County as follows:
 - (1) One TDU may be created for each ten acres of upland encumbered by an agricultural easement that meets the requirements of section 2-148.
 - (2) One TDU may be created for each five acres of indigenous native or restored native vegetated upland encumbered by a conservation easement that meets the requirements of section 2-148. Indigenous native vegetation is defined in section 10-1.
- (e) Two TDUs may be created from a single-family lot or parcel designated as Wetlands that holds an affirmative Minimum Use Determination pursuant to Chapter XIII of the Lee Plan.

Sec. 2-156. - Density and intensity equivalents of Northeast Lee County TDUs.

- (a) One Northeast Lee County TDU will be equal to two dwelling units when transferred to eligible receiving lands located outside of the Northeast Lee County Community Plan area.
- (b) One Northeast Lee County TDU will be equal to one dwelling unit when transferred to eligible receiving lands as designated in the Alva and North Olga Community Plans.

Sec. 2-157. – TDR program amendments.

Sec. 33-1655. Deviations.

Deviations regarding open space, landscape buffers, height, and pedestrian and vehicular interconnections are required to meet the approval criteria for granting a variance in accordance with section 34-145(b) to be approved.

Subdivision II. DEVELOPMENT STANDARDS

Sec. 33-1656. Applicability.

The provisions of this Subdivision apply to new or expanded residential developments resulting in ten or more dwelling units and to all non-residential developments.

Sec. 33-1657. – Landscaping, preserve, and open space.

- (a) Open space requirements.
 - (1) Developments under two acres must include 40 percent open space.
 - (2) Developments equal to or over two acres must include 60 percent open space.
- (b) Landscaping buffer requirements.

- (1) A 25-foot-wide modified Type "D" buffer must be provided along all abutting external rights-of-way. The buffer must contain five native canopy trees and 66 shrubs per 100 linear feet installed according to section 10-421. Canopy trees and shrubs must be clustered.
- (2) A 30-foot-wide Type "F" buffer installed according to section 10-421 is required where proposed residential lots abut external active agricultural uses, excluding pasturelands, or abut residential lots equal to or greater than one acre. The buffer must contain five native canopy trees, 66 shrubs per 100 linear feet, and four foot non-opaque fence installed according to section 10-421. Canopy trees and shrubs must be clustered.
- (3) A flow-way buffer meeting the requirements of Section 10-416(d)(9) must be provided where development abuts or is adjacent to existing or restored flow-ways.

Commercial Development

Public input indicated that the location of commercial development should be limited. There are legal challenges to restricting commercial development, especially where it is already an allowed use.

LEE PLAN AMENDMENTS

To reflect the vision of Alva stakeholders, staff is proposing provisions that will: direct commercial development to the future urban land use designations south of the river; limit commercial development in the future urban areas north of the Caloosahatchee River to minor commercial development; and, limit non-residential uses in the Rural future land use category to those that reflect the rural character of the Alva Community Plan area. Consistent with the Rural future land use category, staff is also proposing to remove the Mixed-Use Overlay from lands within the Rural future land use category. Lee Plan amendments to address commercial development are as follows:

POLICY 28.1.3: The preferred location for commercial development within the Alva Community Plan area is on property with a future urban land use designation south of the Caloosahatchee River as of [effective date of Ordinance]. Only minor commercial development is permitted on property with a future urban land use designation located north of the Caloosahatchee River.

POLICY 28.1.4: Commercial development must be designed to minimize impacts on surrounding existing and future residential and agricultural areas.

POLICY 28.1.6: All zoning requests for non-residential developments in the Rural future land use category must utilize the planned development rezoning process. Uses

will be limited to those that reflect the rural character of the Alva Community Plan area, such as, but not limited to, animal clinics, bait and tackle shops, ecotourism businesses, farm and feed supply stores, lawn and garden supply stores, produce stands, specialty retail stores, plant nurseries and other commercial uses needed to serve the rural community.

POLICY 28.1.7: Deviations from minimum land development regulations for open space, landscape buffers, height, or pedestrian and vehicular interconnections must satisfy the variance review criteria to be approved.

LAND DEVELOPMENT CODE AMENDMENTS

In addition to land development regulations for both residential and non-residential development, staff is proposing new implementing language in the Land Development Code specific to commercial development as follows:

Sec. 33-1658. Commercial development standards.

In addition to the standards of Subdivision II, all development that is subject to review pursuant to section 10-602 may not exceed two acres of total impervious area or have more than one acre of outdoor display area.

Subdivision IV. ALVA VILLAGE

Sec. 33-1659. Applicability.

The provisions of this Subdivision apply to all development located within Alva Village, as depicted on Lee Plan Map 1, Page 6.

Sec. 33-1660. Mixed Use Overlay.

The alternative property development regulations provided in Chapter 34 for development within the Mixed Use Overlay may be used on property located within the Alva Village subject to the following:

(a) The alternative property development regulations are necessary for the preservation or the adaptive reuse of existing structures and/or to maintain existing development patterns within the Alva Village.

(b) The alternative property development regulations provided in Chapter 34 are modified as follows:

(1) Minimum building setbacks.

- i. Side setback. Except as may be necessary to meet the landscape requirements of this code, no setback from side property lines is required.

- ii. Rear setback. Except as may be necessary to meet the landscape requirements of this code, the rear setback is 20 feet.
- (2) Maximum height. The maximum height is 35 feet.
- (3) Building size. New commercial buildings in the Mixed-Use Overlay, north of the Caloosahatchee River, are limited to 10,000 square feet of gross floor area per building.

Natural Resources

Public input indicated natural resources as an issue needing to be addressed in the Alva Community Plan area.

LEE PLAN AMENDMENTS

The Lee Plan has Goals, Objectives and Policies addressing natural resources and environment generally for Lee County, staff is proposing specific provisions in the Lee Plan to address natural resources within Northeast Lee County (Goal 27) and Alva (Goal 28) Community Plan areas. These provisions recognize the existence of rare and unique plant species and habitats within Northeast Lee County and the tributaries and flowways that flow into the Caloosahatchee River. These new and revised provisions to the Lee Plan are as follows:

OBJECTIVE 27.3: NATURAL RESOURCES. Preserve and protect the physical integrity, ecological standards, and rural character of the Northeast Lee County Community Plan area through water basin (or sub-basin) management, preservation of native vegetation and wildlife habitat and resources, and land conservation.

POLICY 27.3.12: Require vegetative buffers for natural and manmade water bodies to protect and enhance water quality and natural resources within the Northeast Lee County Community Plan area. (Ordinance No. 11-14, 18-18)

POLICY 27.3.2: Provide for wildlife and hydrologic connections in the design of new developments including those on public lands located within the Northeast Lee County Community Plan area. (Ordinance No. 11-14, 18-18)

OBJECTIVE 28.3: PROTECTION OF NATURAL RESOURCES. Continue the long-term protection and enhancement of wetland and native upland habitats (including rare and unique habitats) and water quality within the Alva Community Plan area.

POLICY 28.3.1: Preserve critical habitats of protected, endangered, and threatened species, species of special concern, and native plant communities, including subtropical and tropical hardwood hammock, scrub, and wetlands.

POLICY 28.3.2: Developments will be designed so as not to interrupt natural flowway corridors, exacerbate flooding, or reduce water basin storage or water quality within the watershed. Natural flowway corridors, cypress heads, natural lakes, and restored impacted natural surface waters should be used in the design of private surface water management systems.

POLICY 28.3.3: Support the use of private and public land conservation and acquisition programs as mechanisms to ensure long-term wetland and native upland habitat preservation and water quality.

LAND DEVELOPMENT CODE AMENDMENTS

Staff is also proposing new implementing language in the Land Development Code as follows:

Sec. 33-1657. – Landscaping, preserve, and open space.

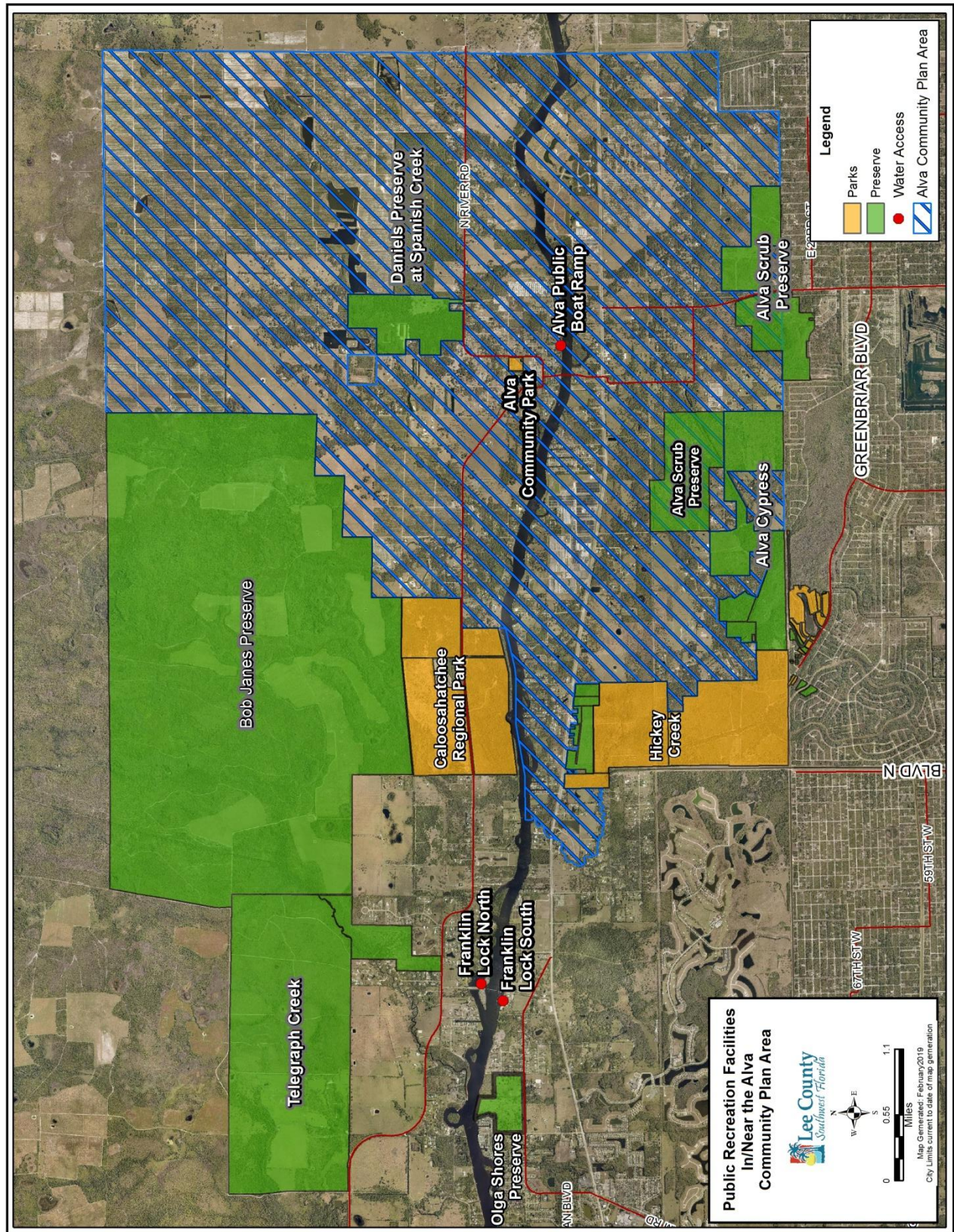
(c) *Preserve requirements.*

- (2) On-site preserve areas must be contiguous to or connected to established off-site preserve areas abutting the development.
- (3) Prior to issuance of local development order, a human-wildlife co-existence plan containing the following must be submitted and approved:
 - a. A list of wildlife species expected to reside in preserve areas;
 - b. Educational material to be distributed to residents, tenants or occupants of the development; and
 - c. A map of the wildlife corridor and crossing areas.

Public Facilities

Attendees of the visioning expressed a desire for access to public facilities near the Community Plan area including water access, parks and recreation, and conservation 20/20 land and opportunities for multi-modal, scenic connectivity to these facilities. There are numerous existing Lee County parks, recreation centers, Conservation 20/20 preserves, and water access facilities within the Alva Community Plan area and several additional facilities available within close proximity. These include: Caloosahatchee Regional Park, Hickey Creek, Alva Community Park, Daniels Preserve at Spanish Creek, Alva Scrub Preserve, Alva Cypress, Bob Janes Preserve, Telegraph Creek Preserve, Olga Shores Preserve, Alva Boat Ramp, Franklin Lock North and Franklin Lock South.

Public parks and recreation, conservation 20/20, and water access facilities in and near to the Alva Community Plan area are identified on the following map:



LEE PLAN AMENDMENTS

Staff is proposing the following Lee Plan provisions to maintain these facilities, and explore opportunities for new facilities and multi-modal connectivity.

OBJECTIVE 28.4: WATER ACCESS: Provide water access facilities within the Alva Community Plan area in locations with safe and convenient public access and with no impacts to environmentally sensitive areas.

POLICY 28.4.1: Explore the feasibility and potential funding for the development of additional water access facilities.

POLICY 27.1.5: Identify areas within the Northeast Lee County Community Plan area that are suitable for public water-related recreation, such as canoe/kayak launches, boardwalks, jogging paths, fishing platforms, and waterside parks.

OBJECTIVE 27.4: CONNECTIVITY. Maintain multi-modal connectivity across the Northeast Lee County Community Plan area. (Ordinance No. 11-14, 18-18)

POLICY 27.4.1: Support multiple modes of travel for residents, businesses, visitors, and commercial agricultural operations within the Northeast Lee County Community Plan area. (Ordinance No. 11-14, 18-18)

POLICY 27.4.2: Incorporate alternatives to roadways (e.g., greenways, blueways, equestrian trails, and other pedestrian pathways) in new development designs and, when feasible, future capital improvements within the Northeast Lee County Community Plan area will connecting people to public lands, recreation areas, public facilities, and Future Urban Areas. (Ordinance No. 11-14, 18-18)

POLICY 27.4.3: Evaluate the designation of North River Road as a constrained roadway for scenic purposes.

POLICY 27.4.4: Incorporate development of a multipurpose path to run the entire length of North River Road as shown on the Lee County Greenways Master Plan, Map 22, in development designs and, when feasible, planned future capital improvements. (Ordinance No. 11-14, 18-18)

School Facilities and Curriculum

Attendees of the visioning indicated a desire for additional schools in the community and adding agricultural education programs within the schools. While Lee County has Goals, Objectives and Policies addressing education in general, and staff assists Lee County School District to identify appropriate locations for school facilities upon request; programming and curriculum is determined by the Lee County School District.