

Memorandum

Date: July 7, 2013

To: Ruby Daniels, President, A Living Vision of Alva, Inc.

From: Gerald Murphy

Re: Proposed Amendments to the Lee County Land Development Code for Alva

Previously, we provided you and County staff with proposed amendments to the Lee County Land Development Code (LDC) to implement provisions of the Alva Plan as it has been adopted by the Board of County Commissioners in the Lee County Comprehensive Plan (The Lee Plan). The Lee Plan is currently undergoing reorganization and revision to implement the Evaluation and Appraisal Report (EAR) and the EAR-based amendments, so precise reference to the Goal associated with the Alva Plan is not possible at this time. Be that as it may, a brief explanation of each section of the proposed LDC amendment is provided below.

SECTIONS ONE, TWO, AND THREE. The changes here recognize Alva among the other established community planning areas in Lee County and include a staff-directed name change for Estero to make all references to community planning areas consistent in

- Chapter 10 (development standards),
- Chapter 14 (environmental and natural resources), and
- Chapter 30 (signs).

SECTION FOUR. AMENDMENTS TO CHAPTER 32. Changes provide:

- Exceptions to the standard block perimeter limitations for areas that contain valuable wetlands or other indigenous native vegetation, and where existing platted subdivisions, e.g., Alva, Charleston Park, do not comply with these standard block perimeter limitations. Renumbering of subsection to accommodate changes.
- Exceptions for Alva to the minimum diversity requirements for regulating plans due to the relatively limited range of transects and related lot types contained in the Alva regulating plans.
- Proposed intent provisions to establish Alva as a sending area for transferable development rights (TDR) and allowances to utilize the administrative approval process provided in Chapter 32 for transfer of these rights within and outside of Alva. **Noted:** The County Attorney has indicated a disfavored status for “purpose and intent” provisions

in the LDC and suggested such language be removed to the recitals of the adopting ordinance.

- Proposed provisions for the establishment of TDR credits in Alva. These provisions address the various future land use map (FLUM) categories within Alva and direct how many TDR credits may be established from acreage encumbered by agricultural or conservation easements in each FLUM category depending upon whether the credits are to be transferred within or outside of Alva, to wit:
 1. *Wetlands*: 1 TDR credit for each 20 acres.
 2. *Open lands*: 1 TDR credit for each 5 acres.
 3. *Rural*: 1 TDR credit for each 1 acre.
 4. *Urban Community*: 3 TDR credits for each 1 acre where credits are transferred within the rural village, and 6 TDR credits for each 1 acre where credits are transferred outside of Alva.

Noted: County staff continues to work with interested parties to develop a county-wide TDR program and Alva has pledged to work with County staff on this ongoing effort.

- Technical scrivener amendments to eliminate redundant language with respect to formal creation of TDR credits and appropriate easements required for establishment of TDR credits.
- Identification of Alva as an applicable area within Lee County for establishment of compact communities through optional regulating plans and technical scrivener amendments
- Identification of conceptual and detailed regulating plans for Charleston Park and the Alva Rural Village as compact community plans.

Noted: The conceptual and detailed regulating plans for Charleston Park and the Alva Rural Village are currently being refined to address suggestions from County staff.

SECTION FIVE. AMENDMENTS TO CHAPTER 33. Provisions specifically developed for Alva propose detailed regulations for land development in Alva:

- Applicability provisions identifying the Lee Plan goal for Alva that the regulations seek to implement.

Noted: County staff is in the process of renumbering Lee Plan goals, including the Alva goal, and this reorganization effort will be incorporated into the LDC provisions one finalized.

- Proposed intent provisions to establish Alva as a rural community, recognizing that certain uses typically permitted or prohibited in more suburban or urban areas of Lee County are or are not appropriate in Alva, to specify those uses that are or are not appropriate, as well as particular community-wide design standards for new construction,

infrastructure, and redevelopment projects in Alva. **Noted:** The County Attorney has indicated a disfavored status for “purpose and intent” provisions in the LDC and suggested such language be removed to the recitals of the adopting ordinance.

- Specific community review procedures and provisions to assure compatibility of future development and redevelopment in advance of relevant public hearing or administrative approvals of such proposed projects within Alva.

Noted: Alva seeks community review of proposed development and redevelopment to a greater extent than may be provided to more suburban or urban areas of the County. The community understands that provisions and procedures for certain development approvals, e.g., limited development orders, are being refined by County staff as part of directed LDC revisions and will modify community review references to be consistent with changes as they are finalized.

- Requirement that zoning changes are limited to compact communities per Chapter 32 or planned developments per Chapter 34 and identifying the appropriate processes provided by the LDC to accomplish such changes.
- Amended definitions specific to new development and redevelopment standards in Alva, e.g., *elevation*, *open space*, *porch*, *residential*, *rural village architectural style*, *storefront*, and *street furniture*, with specific illustrative figures.
- General requirements for:
 1. Roads and streets. Providing for a *country road* designation with design and roadscape standards.
 2. Design of blocks. Referencing LDC Section 32-225 for preferred street pattern and block design for other than farm parcel development outside the rural village.
 3. Lot types. Providing for a *farm parcel* lot type outside the rural village
 4. Property development regulations. Providing dimensional criteria for the establishment of *farm parcel* lots and criteria for developing attached and detached accessory apartments on farm parcel lots.
 5. Permissible and prohibited activities and uses. Includes area limits for commercial uses, permissible and prohibited activities and uses that differ from the current County provisions.
 6. General open space preservation of indigenous native vegetation and trees. Provides for preservation of 75 percent of existing native vegetation communities, existing native trees, or agricultural lands for development parcels larger than 1 acre in area.
 7. Publicly accessible open space. Requirements for development to provide no less than 10 percent of the land area of the development as publicly accessible open space; provisions for percentages of interior open space;

provisions for interconnection of publicly accessible open space; provisions for consolidation of publicly accessible open space meeting certain standards.

8. Subdivision landscape features. Prohibition of suburban-style subdivision landscape features in Alva.

- Proposed intent provisions to guide future development and redevelopment in the rural village. **Noted:** The County Attorney has indicated a disfavored status for “purpose and intent” provisions in the LDC and suggested such language be removed to the recitals of the adopting ordinance.
- Specific standard design requirements for the rural village, including commercial design standards addressing building size and character, architectural style with illustrative examples, exterior building materials, façade treatments, building color, doors, entrances, and porches, window treatments, awnings, shutters, lattice, metal roofs, ramps, and preservation of larger trees; residential design standards, including principal elevation features and building color; and sign standards.
- Specific requirements for parking in the rural village, including provisions for reductions from standard County requirements for off-street parking, provisions for shared parking, and provisions for the location of and access to off-street parking, parking space interconnections, driveway connections, and loading areas.
- Specific requirements for public spaces in the rural village, including provisions for outdoor displays of merchandise, vending booths and carts, public open spaces within mixed-use development, and neighborhood interpretation. **Noted:** The community recognizes that the non-regulatory language of the proposed *neighborhood interpretation* section may be removed to a recital in the ordinance and/or to the Plan as part of the EAR-based amendments.
- Specific requirements for the historic core of the Alva rural village, including a description and illustration of the boundaries of the historic core and dimensional regulations for minimum lot sizes and setbacks for the future development and redevelopment of residential, commercial, and mixed-use lots, building heights, density, and intensity of development with regard to floor area ratios and lot coverage.

SECTION SIX. AMENDMENTS TO CHAPTER 34.

- Changes maintain consistent recognition of Alva among the other established planning areas in Lee County and the staff-directed name change for Estero.
- Changes recognize specific exceptions for provisions of Chapters 32 and 33 to the more general use and development regulations and procedures for conventional districts provided in Chapter 34.