



Board of County Commissioners Agenda Request

Date of Meeting: May 28, 2019

Date Submitted: May 21, 2019

To: Honorable Chairman and Members of the Board

From: Margaret Emblidge, AICP, Planning and Community Development Director

Agenda Location: Public Hearing- Adoption

Subject: Petition CPA19-0001–Request to amend the Future Land Use Element Text and Map of the Hendry County Comprehensive Plan to create a new land use designation to be known as Wheeler Estates.

Statement of Issue

This is an adoption hearing in accordance with the Expedited State Review Amendment Process Sections 163.3184(3) and (5) for a County initiated Comprehensive Plan Future Land Use Text and Map Amendment for the Wheeler Estates area. The new Policy 1.1.15. will provide the framework for development in Wheeler Estates. Additionally, the amendment will redesignate the entire Wheeler Estates Community from Multi-Use Development to the new category - Wheeler Estates.

Background

This is a comprehensive plan amendment as a result of a Land Use Study funded by the Community Planning Technical Assistance Grant (“Grant”) administered through the Department of Economic Opportunity (“DEO”). The Hendry County Board of County Commissioners conducted a public hearing on March 26, 2019, and approved the transmittal of the petition by a vote of 5-0.

The subject property consists of 1,933 +/- acres in the Wheeler Estates area. The Wheeler Estates Study Area encompasses 1,933 +/- acres and generally extends north of 23rd Terrace; east to Wheeler Road; and south of Canal Terrace. An aerial map demonstrating the Study Area is attached as Exhibit “A”.

The community is comprised of approximately 1,036 lots ranging in size from 1.08+/-acres to 105+/- acres. The vast majority of parcels are 1.25+/-acres in size, representing 90% of all lots within the community.

State Agency Comments

The Comprehensive Plan Amendment was transmitted to the state reviewing. No comments were received.

Options:

Option 1: Conduct a Public Hearing and adopt the proposed ordinance for Petition CPA19-0001.

Option 2: Deny

Option 3: Board direction.

Recommendation:

Option 1

Attachments:

1. Proposed Ordinance

COUNTY OF HENDRY, STATE OF FLORIDA

ORDINANCE NO. 2019 - _____

RECORDED IN ORDINANCE BOOK _____, PAGE _____

AN ORDINANCE OF HENDRY COUNTY, FLORIDA AMENDING THE HENDRY COUNTY COMPREHENSIVE PLAN, ORDINANCE 91-05, AS AMENDED, BY CHANGING THE FUTURE LAND USE MAP, MORE SPECIFICALLY BY CHANGING APPROXIMATELY +/- 1,933 ACRES OF LAND DESIGNATED AS MULTI-USE DEVELOPMENT TO A NEW LAND USE CATEGORY TO BE KNOWN AS WHEELER ESTATES; AMENDING THE FUTURE LAND USE ELEMENT POLICY 1.1.12, MULTI-USE DEVELOPMENT; AND CREATING NEW FUTURE LAND USE ELEMENT POLICY 1.1.15 WHEELER ESTATES; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, INCLUSION IN CODE, AND SCRIVENER’S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Hendry County, pursuant to Section 163.3161, et. seq., Florida Statutes, the Florida Local Government Comprehensive Planning and Land Development Regulation Act, was required to prepare and adopt a comprehensive plan; and

WHEREAS, the Hendry County Board of County Commissioners adopted the Hendry County Comprehensive Plan on March 5, 1991; and

WHEREAS, State law provides authority for local governments to amend their respective comprehensive plans and outlines certain procedures to amend adopted comprehensive plans; and

WHEREAS, the Hendry County Board of County Commissioners, with the concurrence of many landowners within the 1,933 +/- acre area, submitted an amendment to the Future Land Use Map and associated text to change 1,933 +/- acres from Multi-Use Development to a new mixed use district to be known as the Wheeler Estates future land use category; and

WHEREAS, the Hendry County Local Planning Agency conducted a public hearing on March 20, 2019, and considered the proposed amendment to the Comprehensive Plan pursuant to the authority granted to it by Section 163.3174, Florida Statutes, and recommended transmittal of said amendment by the Board of County Commissioners; and

WHEREAS, the Hendry County Board of County Commissioners conducted a public hearing on March 26, 2019, and approved transmittal of the Comprehensive Plan Amendment to the State land planning agency; and

WHEREAS, upon receipt of Hendry County's proposed Comprehensive Plan Amendment, various State agencies and the State land planning agency reviewed the proposed Amendment and transmitted in writing to Hendry County their comments, pursuant to Section 163.3184, Florida Statutes; and

WHEREAS, Hendry County, upon receipt of the written comments from the State land planning agency and various State agencies scheduled a required public hearing pursuant to Section 163.3184, Florida Statutes; to either adopt, adopt with changes or not adopt the proposed Comprehensive Plan Amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Hendry County, Florida:

SECTION ONE. COMPREHENSIVE PLAN AMENDMENT

The Hendry County Future Land Use Map is amended to change the following parcels shown in Exhibit "A" consisting of a total of 1,933 +/- acres from Multi-Use Development to Wheeler Estates. In addition, the Hendry Comprehensive Plan is amended

to include text changes as contained in Exhibit “B” which is attached and made a part hereof.

SECTION TWO. CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Hendry County Ordinance or Florida Statutes, the more restrictive shall apply.

SECTION THREE. SEVERABILITY

The provisions of this Ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any Court of competent jurisdiction shall hold any of the provisions of this Ordinance unconstitutional or otherwise invalid, the decision of such Court shall not affect or impair any remaining provisions of this Ordinance.

**SECTION FOUR. CODIFICATION, INCLUSION IN CODE, AND
SCRIVENER'S ERRORS**

It is the intention of the Board of County Commissioners that the provisions of this Ordinance will be codified into the Hendry County Comprehensive Plan; and that the sections of this Ordinance may be renumbered or re-lettered and that the word “Ordinance” may be changed to “section,” “article” or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the plan is accomplished, sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the County Administrator’s designee, without need of a public hearing, by filing a corrected or re-codified copy of same with the Clerk of Circuit Court.

SECTION FIVE. EFFECTIVE DATE

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the State land planning agency notifies the County that the plan amendment package is complete. If timely challenged, this amendment shall not become effective until the date the State land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the State land planning agency.

Duly passed and adopted in Regular Session of the Board of County Commissioners of Hendry County, Florida this 28th day of May, 2019.

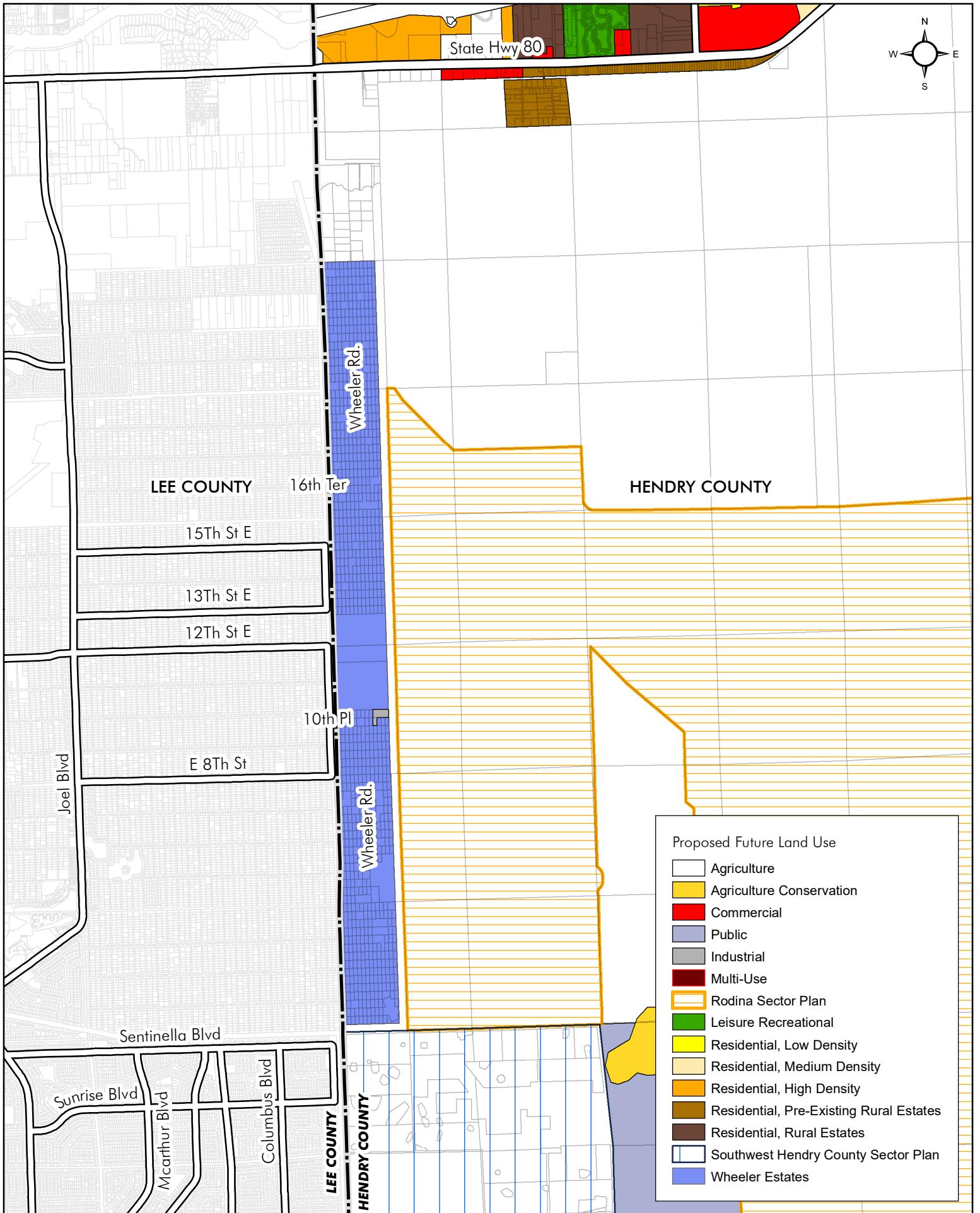
**BOARD OF COUNTY COMMISSIONERS
OF HENDRY COUNTY, FLORIDA**

ATTEST:

Barbara Butler, Clerk

Mitchell Wills, Chairman

EXHIBIT "A"



Proposed Future Land Use

- Agriculture
- Agriculture Conservation
- Commercial
- Public
- Industrial
- Multi-Use
- Rodina Sector Plan
- Leisure Recreational
- Residential, Low Density
- Residential, Medium Density
- Residential, High Density
- Residential, Pre-Existing Rural Estates
- Residential, Rural Estates
- Southwest Hendry County Sector Plan
- Wheeler Estates



Policy 1.1.12: Multi-Use Development Future Land Use Category

Purpose

The purpose of the Multi-Use Development Future Land Use Category is to promote new development and redevelopment of the properties located within this land use category.

Description/Uses

Lands classified as Multi-Use Development are generally located adjacent to existing urban/suburban areas or will become adjacent to the urban/suburban areas within the planning horizon. Uses permitted within this category include existing agricultural uses, recreational facilities, residential uses, commercial uses, institutional and industrial.

Location Standards

The areas designated as Multi-Use Development are located adjacent to the primary transportation system within the county and existing or programmed utilities.

Residential Density

Maximum density – Four (4) units per acre with the following exceptions:

- Agricultural uses – One (1) unit per 5 acres.
- Residential/urban uses – Four (4) units per acre when rezoned to a Planned Unit Development.
- ~~The minimum lot size for properties located in Wheeler Estates shall be as defined in LDC Section 1-53-3.7 Agricultural Transitional District and pursuant to Ordinance No. 2014-02.~~

Non Residential Intensity

- Retail commercial – 0.25 FAR.
- Office – 0.50 FAR.
- Industrial – 0.75 FAR
- 0.50 FAR for mixed-use buildings with a maximum of 25% retail and a minimum of 75% office.
- 0.30 FAR for mixed-use buildings with commercial on the first floor and residential on stories above and first floor.

Infrastructure/Roads

- Public arterial, collector, or local roads, and private roads.

Water and Sewer

All new development and redevelopment within the Multi-Use Development Future Land Use Category must connect to centralized public water and sewer, when available.

Open Space

- Residential development – 30%.
- Non-residential development – 15%.

Form of Development

- Agricultural individual lots – minimum five (5) acres.
- Urban/suburban.
 - Clustered developments.
 - Multi-use developments.
 - Planned Unit Developments.

Note: Multi-Use Development must be accomplished through a Planned Unit Development rezoning.

* * * * *

Policy 1.1.15: Wheeler Estates Future Land Use Category

Purpose

The purpose of the Wheeler Estates Future Land Use Category is to maintain the rural and predominantly residential character of the area known as Wheeler Estates, as established through a community planning process, and to guide future development in a manner that is consistent with the community vision.

For the purpose of this category, “rural character” is defined as those characteristics which convey a sense of rural lifestyle, including but not limited to, large lots, significant open space and undisturbed native vegetation, limited public infrastructure, and small-scale agricultural uses that are accessory to permitted residential uses. Non-residential uses are limited to those activities intended to provide daily goods and services to the immediate community.

Description/Uses

Uses permitted within Wheeler Estates shall consist of single-family residential dwellings, accessory structures, and small-scale agricultural uses that are accessory to permitted residential uses. Mobile homes, RVs as living quarters, and shipping containers are expressly prohibited. Limited, neighborhood-scale non-residential uses, institutional uses, and recreational uses are permitted subject to the provisions contained herein, and as set forth in the Land Development Code.

Location Standards

Wheeler Estates encompasses 1,933+/- acres of land in the far western portion of Hendry County adjacent to Lee County, and approximately 1.5 miles south of State Road 80. The Wheeler Estates Future Land Use Category is limited to those areas designated as such on the Future Land Use Map.

Lands in this category are not within the urban area but are immediately adjacent to future urban areas in Hendry County. Wheeler Estates is intended to operate without significant intensification of public facilities into water, sewer, transportation, or general support services through the planning horizon of 2040. However, additional public facilities may become available to the community via development in the adjacent future urban areas within the Rodina and Southwest Hendry County Sector Plan Areas.

Residential Density and Uses

- Single family residential uses - one (1) unit per 1.10 acres.
- Mobile home units and RVs are not permitted.

Non-Residential Intensity and Uses

- FAR - 0.10 calculated on the commercial site only.
- Non-residential uses that serve and support the rural community are allowable by Planned Unit Development rezoning approval only, and subject to locational criteria and minimum design standards established in the Land Development Code.
General commercial and industrial uses are allowed only on parcels on which such uses exist as of _____, 2019. Industrial and general commercial uses on additional parcels are prohibited.
- Public works projects that include drainage improvements.

Agricultural Uses

- Non-commercial, small-scale agricultural uses that are accessory to residential uses, including but not limited to, the keeping of domestic farm animals for household use only, greenhouses, and gardens as set forth in Section 1-53-3.7.1(d) of the Land Development Code.
- Agricultural uses consisting predominantly of the cultivation of crops and livestock including cropland, pastureland, orchards, vineyards, nurseries, ornamental horticulture, groves, confined feeding operations, and specialty farms are permitted by right or allowed by special exception on existing agriculturally-zoned lands only

Infrastructure/Roads

- Public and private roads.

Water

- Private wells for rural residential uses.
- Private wells or central water system for non-residential uses.

Wastewater/Septic Tanks

- Individual septic system for rural residential.
- Individual septic or central system for non-residential.

Open Space

- Individual lots – no minimum open space requirement
- Clustered Development (Residential or Mixed-Use) – 50%
- Non-Residential Uses – 30%

Form of Development

- Individual lots.
- Non-residential uses and clustered developments must occur in the form of a Planned Unit Development or Special Exception pursuant to the Land Development Code.