

**Lee Plan Goal 18: Bayshore Community Plan
Topic Summary & Lee Plan Amendments**

Lee County staff hosted a community visioning workshop at the Bayshore Fire Station located at 17350 Nalle Road in March 2018 pertaining to Goal 18 of the Lee County Comprehensive Plan, the Bayshore Community Plan. The visioning workshop was the first step in defining and updating the community planning goals for the Bayshore Community Plan area. The public input received from the workshop was analyzed by staff and grouped by topic. The four topic areas identified by the Bayshore community through this process are: flooding; commercial and residential development; parks and recreation; and, public input. Each topic is addressed with proposed Lee Plan and, for some topics, Land Development Code amendments.

Flooding

Public input indicated that **flooding** is an issue needing to be addressed in the Bayshore Community Plan area. While Lee County has Goals, Objectives and Policies addressing flooding in general, staff is proposing several new provisions in the Lee Plan and Land Development Code as follows:

LEE PLAN AMENDMENTS

POLICY 18.1.5: Minimize impacts to floodplains by using low impact construction measures, such as stem wall or stilt construction, which will reduce the amount of fill needed for site development.

OBJECTIVE 18.2: NATURAL RESOURCES: Protect and enhance surface and groundwater resources, and rare and unique plant habitats while also protecting life and property from flood hazards.

POLICY 18.2.1: Protect environmentally sensitive areas, such as creeks, oak hammocks, floodplains and wetlands from potential impacts of development.

POLICY 18.2.3: 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 18.2.4: 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

Sec. 33-1747. - Landscaping 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.

Sec. 33-1748. - Surface water management.

(a) *Preservation of historic flow patterns.* Private surface water management systems must be designed to maintain the historic surface water flows across the property.

(b) *Incorporation of natural features into surface water management system.* Surface water management for development on property containing a natural waterway, natural flow-way corridor, cypress head, or natural lake must incorporate these features into the overall design of the private surface water management system serving the development.

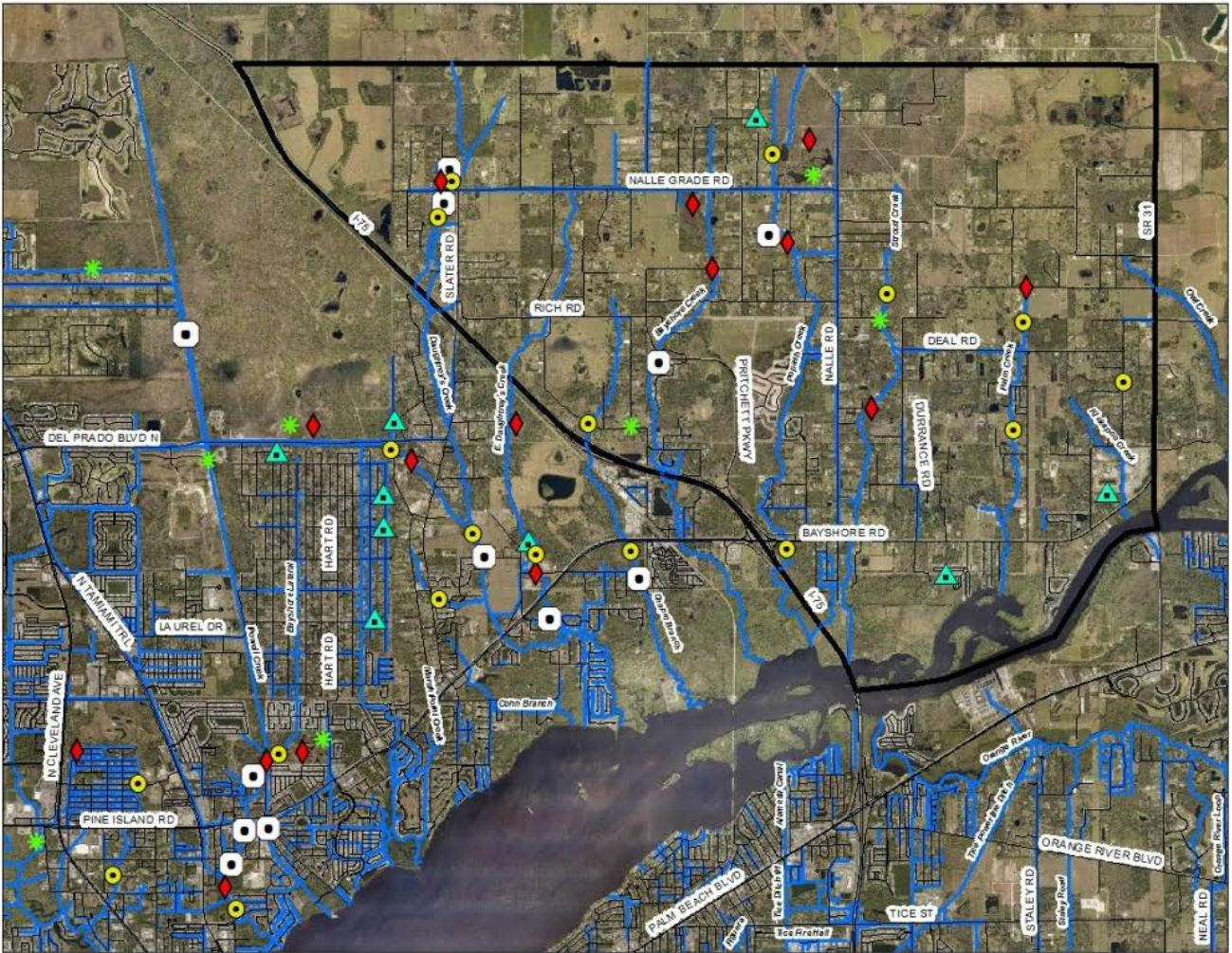
Sec. 33-1750. Elevation construction methods.

All residential development, including individual single family homes and accessory structures, must use stem wall, stilt or similar construction methods to meet minimum elevation requirements.

Sec. 33-1751. Impediments to surface water flow.

Berms or other physical impediments must be designed, constructed and located so as not to obstruct off-site surface water.

Lee County has undertaken numerous activities to alleviate flooding in the Bayshore Community Plan area as shown on the next page. Activities will continue as planned.

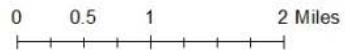


LEGEND

-  Bayshore Planning Community
-  Capital Improvement Projects
-  Hurricane Debris Removal Projects
-  Maintenance Projects
-  Clean & Snag Projects
-  Neighborhood Improvement Projects



Surface Water Projects
 2010-2018



Commercial Development

Public input indicated that the location of **commercial development** should be limited, including potential commercial development within the I-75 interchange. There are legal challenges to restricting commercial development, especially where it is already an allowed use. The proposed provisions will limit commercial development to where it is currently allowed. Staff is proposing the following Lee Plan and Land Development Code provisions to address the location and development of future commercial uses:

LEE PLAN AMENDMENTS

OBJECTIVE 18.1: LAND USE. Support low-density residential development, limited commercial development, and active agricultural and recreational uses within the Bayshore Community Plan area.

POLICY 18.1.3: Amendments to the future land use map that increase density or intensity must demonstrate consistency with the Lee Plan through a concurrent planned development rezoning.

POLICY 18.1.4: Commercial development is only allowed as follows:

1. All types of commercial development are permitted on property located within the General Interchange future land use category, as it exists on [insert effective date of Ordinance].
2. Only minor commercial development is permitted on property located within 330 feet of the following intersections: Nalle Road and Bayshore Road; State Route 31 and Bayshore Road; and, State Route 31 and Old Bayshore Road.
3. Property with existing zoning approval (prior to [insert effective date of Ordinance]) which allows commercial use(s). Amendment to the allowable commercial use of an existing zoning approval is limited to minor commercial development.
4. All zoning requests for commercial developments must utilize the planned development rezoning process.

LAND DEVELOPMENT CODE AMENDMENTS

Sec. 33-1747. - Landscaping 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.

(c) Preserve connection requirements. On-site preserve areas must be contiguous to or connected to established off-site preserve areas abutting the development.

Residential Development

Public input indicated that **residential development** should be limited to large lots (2 to 5 acres). The Community Plan area currently has future land use categories that limit density to less than one unit per two acres, including Density Reduction/Groundwater Resource and Open Lands. However, the Community Plan area also includes future land use categories that allow density of more than one dwelling unit per two acres, including General Interchange, Sub-Outlying Suburban, and Rural. There are legal challenges to restricting residential densities to less than what is currently allowed. Therefore, 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:

LEE PLAN AMENDMENTS

OBJECTIVE 18.1: LAND USE. Support low-density residential development, limited commercial development, and active agricultural and recreational uses within the Bayshore Community Plan area.

POLICY 18.1.1: Utilize the planned development process for all residential developments containing ten or more dwelling units to ensure compatibility with the surrounding uses.

POLICY 18.1.2: The use of bonus density, including Transferable Development Units, is prohibited within the boundaries of the Bayshore Community Plan area.

POLICY 18.1.3: Amendments to the future land use map that increase density or intensity must demonstrate consistency with the Lee Plan through a concurrent planned development rezoning.

POLICY 18.2.2: 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 18.2.4: 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

Sec. 33-1746. Applicability.

The provisions of this Division apply to new residential developments containing ten or more dwelling units and to all non-residential developments.

Sec. 33-1747. - Landscaping and open space.

(a) Open space requirements.

3. Developments under two acres must include 40 percent open space.
4. Developments equal to or over two acres must include 60 percent open space.

(b) Landscaping buffer requirements.

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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.

(c) Preserve connection requirements. On-site preserve areas must be contiguous to or connected to established off-site preserve areas abutting the development.

Sec. 33-1748. - Surface water management.

(a) Preservation of historic flow patterns. Private surface water management systems must be designed to maintain the historic surface water flows across the property.

(b) Incorporation of natural features into surface water management system. Surface water management for development on property containing a natural waterway, natural flow-way corridor, cypress head, or natural lake must incorporate these features into the overall design of the private surface water management system serving the development.

DIVISION 3. RESIDENTIAL DEVELOPMENT

Sec. 33-1749. Applicability.

The provisions of this Division apply to all new residential development.

Sec. 33-1750. Elevation construction methods.

All residential development, including individual single family homes and accessory structures, must use stem wall, stilt or similar construction methods to meet minimum elevation requirements.

Sec. 33-1751. Impediments to surface water flow.

Berms or other physical impediments must be designed, constructed and located so as not to obstruct off-site surface water.

Sec. 33-1752. Large residential development.

(a) Residential developments containing ten or more dwelling units must be approved through the planned development rezoning process and must comply with the following property development regulations:

1. Development must be clustered in a manner that provides for the protection of: existing, on-site native vegetation, including wetlands and uplands; natural flow ways; and habitat for endangered, threatened or species of special concern.

2. The minimum lot size along the planned development boundary must be one acre unless the development is adjacent to a residential lot or lots that are smaller than one acre.
3. All structures, including, but not limited to, dwelling units, entry gates, gatehouses, and project walls, must be set back a minimum of 100 feet from the planned development boundary.
4. The maximum lot coverage of residential lots is limited to 25 percent, including principal and accessory structures.

Public Input

Attendees of the visioning indicated a desire for additional opportunities for **public input**. Many of the community plan areas have historically had requirements for public information meetings for proposed amendments to the Lee Plan and for rezoning requests. However, this had never applied to projects within the Bayshore Community Plan area. The requirement for public information meetings was updated by Ordinance 18-18, effective July 29, 2018, to require a public information meeting for projects within the Bayshore Community Plan area. This requirement will also be added to the Land Development Code for zoning actions.

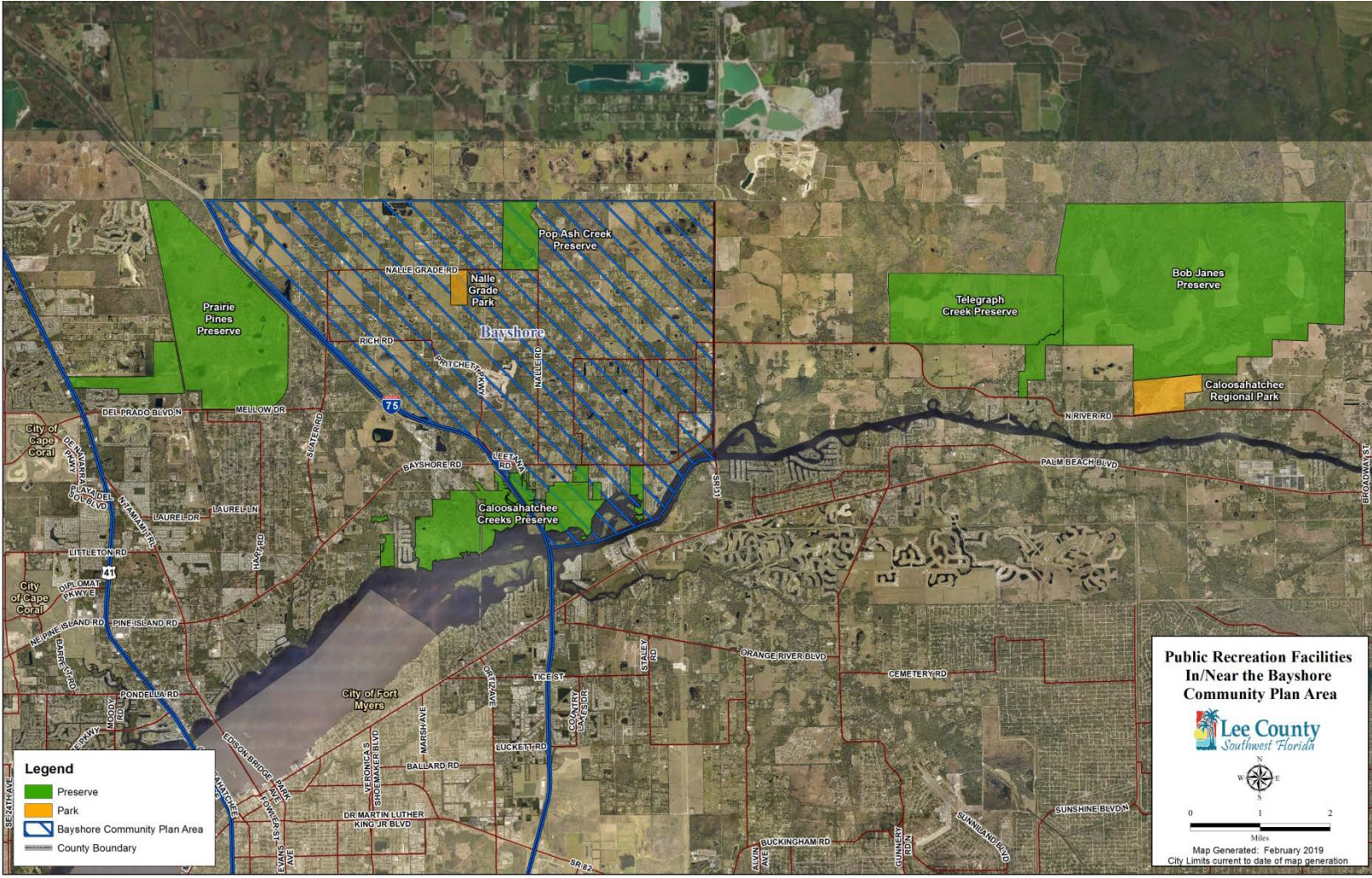
Parks and Recreation

Attendees of the visioning expressed a desire to have **recreation facilities** within the Community Plan area. Equestrian facilities were specifically mentioned. There are existing Lee County parks and preserves within the Bayshore Community Plan area and several additional parks and preserves available within close proximity. These include: Nalle Grade Park, Pop Ash Creek Preserve, Caloosahatchee Creeks Preserve, Caloosahatchee Regional Park, Prairie Pines Preserve, Telegraph Creek Preserve, and Bob Janes Preserve. Staff is proposing the following Lee Plan provision to maintain these facilities as well as explore opportunities for new facilities.

LEE PLAN AMENDMENTS

POLICY 18.1.6: Maintain existing county-owned equestrian facilities and explore the feasibility and potential funding for developing additional facilities in or adjacent to the Bayshore Community Plan area.

Public recreation facilities in and near to the Bayshore Community Plan area are identified on the following map:



Board of County Commissioners Direction

The Lee County Board of County Commissioners has directed staff to identify ways for improving the county's surface and groundwater quality. There are ongoing efforts for county wide improvements, regulations, and facilities that will help to improve water quality. At the same time, it is important to recognize physical and environmental characteristics of certain areas, and how policy change in those areas can help address overall County goals. Therefore, based on coordination and data with Lee County Department of Natural Resources and Lee County Utilities, the following policy is proposed to address this county wide effort:

LEE PLAN AMENDMENTS

POLICY 18.2.5: All developments must connect to a sanitary sewer system. If sanitary sewer service is not available, an on-site sewage treatment facility (package plant) is required to provide for the collection and treatment of wastewater generated by the development. For residential developments of ten or more dwelling units and non-residential developments of five acres or less, advanced septic systems may be used.