

DRAFT 7_29_08

Rural Village Mixed Use Overlay

Purpose:

The purpose of the Rural Village Mixed Use Overlay is to recognize and provide for the unique requirements of the Rural Village Mixed Use Overlay area by providing a procedure and mechanism through which the area may be master planned. Master planning will include development guidelines and standards that are intended to provide an incentive driven alternative to the standard zoning currently in place and other land development regulations. All new development must conform to regulations of the Mixed Use Overlay, once adopted. Re-zoning to other conventional zoning categories is not permitted within the Rural Village Mixed Use Overlay area land use designation. The Mixed Use Overlay will provide a process for administrative approval for developments determined to be consistent with the provisions of the Mixed Use Overlay regulations.

Applicability:

The Rural Village Mixed Use Overlay District regulations shall apply to all residential and non-residentially used or zoned parcels located within the boundaries of the Rural Village Mixed Use Overlay District as indicated in Map 1.

Deviations and variances.

If an applicant desires to deviate from any architectural, site design, landscaping or signage guidelines an applicant may do so at the time of development. A rendered drawing to scale, showing the design, and clearly demonstrating the nature of the requested deviation must be submitted as part of the development order application. Administrative deviations to a planned development may be allowed subject to a meeting with the Alva, Inc. Committee.

Permitted Uses, Setbacks and Heights:

A. Permitted, Special and Prohibited Uses

Permitted and special review uses shall be as established by the underlying zoning district with the following exception. In the Rural Village Mixed Use Overlay District, a mixed-use project including attached single family residential or multifamily residential in the same building, or as part of the same project, shall be allowed as a permitted use without the requirement of special review. Additional stipulations as to use are defined as follows for each Sub-area:

DRAFT 7_29_08

a) Historic Core and General Retail Area

The boundary of Sub-area of the Historic Core and General Retail Area are defined on Map 1.

The purpose of the Historic Core and General Retail Area is that as development occurs, it will be guided to save the ambience of the existing rural village atmosphere and create places of public interest/open space within commercial developments. These areas must be equipped with amenities such as seating areas, structures that provide shade, drinking fountains, restrooms and other amenities.

Open-air seating for restaurants and cafes are encouraged.

Landscaping elements such as plantings, fencing, paving material, signage and street lighting are encouraged to demarcate change in function of a public area and adjacent street, and shall conform to a unified design palette. Where necessary, traffic calming devices must be applied to slow down traffic. All uses of a building must be low intensity service oriented with low customer turnover, residential, church, restaurant, bed and breakfast or hotel in nature and with tree lined avenues and tight, compact homes and pedestrian feel..

b) Alva River Village.

The boundary of Alva River Village are defined on Map 1, and is bound by Herzog on the West, US 80 to the South, Caloosahatchee to the North and Bedman Creek to the East..

Alva River Village serves as the “Gateway” to the Historic Core of Alva. The purpose of Alva River Village is to serve as a transition from the historic ambience of the Historic Core and General Retail Area, and the more rural densities of the remainder of the Alva Community. Additionally the Alva River Village is intended to develop as a Commercial Village with shared parking, tree preservation, and with public open space provided adjacent to the river and integrated into the development. The existing oak hammocks and cypress heads are viewed as an essential asset to be preserved, utilizing the inherent beauty of the river. If the hammocks are proposed to be cut down, it will not be possible to utilize the Overlay or develop commercial uses. Sidewalks shall be provided throughout, and interlocking pavers provided in keeping with a unified design palette.

DRAFT 7_29_08

The purpose is also to provide an opportunity for high customer turnover retail in compact form along US 80, and mixed uses throughout. In addition to the County's mixed use standards, the following will apply in Alva River Village.

- i. At least 75% of ground floor uses of a building are encouraged to be general retail, church, office, restaurant or hotel in nature for 75% of the ground floor area and 75% of the frontage of the building. Residential uses shall be limited to 25% of the total ground floor area and 25% of the frontage of the building.
- ii. For residential units, the average dwelling unit size shall not be less than 900 sq. ft. per unit, and no unit shall be less than 750 sq. ft.
- iii. All commercial uses adjacent to the river shall include strolling sidewalks along the river and/or public viewing areas with pedestrian orientation and linkage.
- iv. Linkages to trail systems shall be provided by sidewalk connections.
- v. A public plaza space shall be provided for each ¼ mile of river frontage developed.

c) Sub-area 3

The boundary of Sub-area 3 is defined as the area extending 1,000 feet south from the south right-of-way line of US 80 and 1,000 feet from the centerline of Joel from US 80 to the southern boundary of the Alva Community Planning Area. The boundary for Sub-area 3 is further defined on Map 1.

The purpose of Sub-area 3 is to provide a supplemental moderate intensity retail service oriented commercial corridor for Alva Community, that takes advantage of the US 80 and Joel frontages in accordance with the access management plans for both, as adopted by the Lee County Highway Department and Florida Department of Transportation (FDOT).

- i. All ground floor uses of a building must be low intensity general retail, restaurant or hotel in nature for 100% of the ground floor area and 100% of the frontage of the building (with the exception of upper floor access ways, ie. Stairs).
- ii. Multi-family dwellings above the ground floor shall be permitted by right (i.e. without conditional use permit or special exception), subject to the following:
 1. The average dwelling unit size shall not be less than 900 sq. ft. per unit, and no unit shall be less than 750 sq. ft.
 2. To the rear commercial, multi-family is permitted in existing Urban Core.

DRAFT 7_29_08

d) Sub-area 4.

The boundary of Sub-area is defined on Map 1.

Because of continuing urbanization, this area will come under pressure and the community is committed to dealing with it directly.

The purpose of Sub-area 4 is to serve as a transition between the intense commercial development in Sub-area 3 and the rural area of the rest of Alva Community outside the Mixed Use Overlay District.

B. Prohibited Uses

The following uses shall be prohibited in the Sub-areas indicated.

Prohibited Use	Sub-area
1. Cemeteries/Mausoleums	All
2. Nursing and Convalescent Homes	RV
3. Psychiatric Hospitals	All
4. Specialty Hospitals	HC, GR, RV, 4
5. Automobile Repair Services, Minor	HC, GR, RV, 4
6. Car Washes	HC, GR, RV, 4
7. Laundry or Dry Cleaning Plants	HC, GR, RV, 4
8. Convenience Stores (with gasoline pumps)	HC, GR, RV, 4
9. Restaurants (with drive-thru)	HC, GR, RV, 4
10. Tire Sales	All
12. Market Showrooms (Furniture, Apparel, etc.)	HC, GR, 4
13. Auto Dealerships/Car Lots	All
14. Salvage Yards	All
15. Adult Business	All
16. Large Outdoor Display (over 5,000 sq. ft.)	All
17. Tattoo Parlors	All
18. Boat Sales	All
19. Arcades	All
20. Pawn Shops	All
21. Stand Alone Liquor Stores	All
22. Stand Alone Grocery Stores	HC, GR,4
23. Buildings over 50,000 sq. ft.	All

C. Building Setbacks

- a. Historic Core and General Retail development permit zero building setbacks.
- b. Alva River Village and Sub-areas 3 and 4 are as required elsewhere in the Land Development Code of Lee County.

D. Building Heights

The maximum height for a non-mixed use proposal shall be 45 feet. For vertically mixed use buildings the following height limitations shall apply.

- a) Historic Core, General Retail and Sub-Area 4.
Building height shall be 28 feet above FEMA base flood elevation.
- b) Alva River Village and Sub-area 3
Building height shall be no more than three (3) stories and in no case more than 45 feet above FEMA base flood elevation.

E. Non-Conformities

F. Non-Conformities

In an effort to keep existing properties viable prior to redevelopment and therefore in conformance with the regulations of this section, nonconformities in the Rural Village Mixed Use Overlay District shall be subject to the following:

- a) For a nonconforming building with multiple tenants, changes in tenants may occur without requiring the property to be brought into conformance with the standards of the Rural Village Mixed Use Overlay District as long as the uses are in compliance with the base zoning district regulations.
- b) Exterior modifications and improvements may be made to nonconforming buildings as long as:
 - i. The footprint of the existing building is not extended, expanded, or enlarged, except the front of the building may be brought within 15 feet of the right-of-way; or
 - ii. The improvements conform to all applicable requirements of the Rural Village Mixed Use Overlay District architectural guidelines; or
 - iii. The expansion does not increase any parking deficiency.

DRAFT 7_29_08

F. Review Procedures

Developments within the Rural Village Mixed Use Overlay district shall be processed and reviewed in the same manner as required normally by existing provisions of the Lee County Development Code. Provisions of the Rural Village Mixed Use Overlay district are intended only as supplemental provisions for permitted uses, dimensional and architectural standards and requirements for public facilities. The development application process would include whatever information is needed on development submittals to establish compliance with the standards in this Chapter.

G. Architectural and Site Improvement Standards

The following standards shall apply to any building renovation within the Rural Village Mixed Use Overlay District. The standards allow flexibility in how the standard is applied if it is demonstrated that the proposed alternative compliance meets the intent of the standard:

1. Existing building features, window and door openings, porches, entrances, porte cocheres, etc. shall be retained, enhanced or replaced.
2. Mediterranean, French Provincial and Modern architecture are not permitted in the Historic Core, General Retail, Alva River Village and Sub-area 3.
3. Themed restaurants are prohibited
3. New buildings shall mitigate the impacts of the Florida tropical environment with the provision porches and overhangs on a minimum of 50 percent of the ground floor commercial uses.
4. The retention and addition of building detailing or ornamental trim is encouraged. Long, blank walls that lack visual interest along street frontages shall be avoided. The addition or enhancement of balconies, terraces, awnings, windows, covered walkways, porticos and/or arcades, raised cornice parapets over entries and other elements are encouraged.
5. Changes in roof lines, including the use of stepped cornice parapets, a combination of flat and sloped roofs, or pitched roofs are encouraged. In creating new architectural features, shallow, false façade elements are discouraged and full gable roofs or parapets with traditional cornice elements are encouraged.
6. Any awnings and canopies shall be constructed of high quality, durable, fade resistant, and fire retardant materials.
7. Rooftop building equipment shall be screened from view from the street front with parapets or other design features that are integrated with the facade.

DRAFT 7_29_08

8. The use of high-quality, durable materials is encouraged. Recommended materials include brick, stone, and decorative, integrally textured and colored masonry block.
9. Color schemes shall use muted, earth tones as the primary color scheme, with very bright colors or tones limited to use as accent elements.

H. Parking Standards

1. Consolidation of Parking

In the Historic Core, General Retail and Sub-area 3, consolidated parking is encouraged, which takes advantage of hours of occupation of various uses.

2. Off-Street Parking Requirements:

Any new off-street parking area shall not exceed 110% of parking requirements, and shared parking is encouraged.

3. On-Street Parking.

For non-residential uses, on-street parking is permitted in the Historic Co Core and Sub-areas 1, 2a and 2b.

4. Residential Parking Requirements: For residential units in a mixed-use project, the parking requirement shall be one (1) space per efficiency unit, one and one-half (1.5) spaces per one bedroom or, two (2) spaces per two or more bedroom units, plus one (1) space per four (4) units for guest parking. On-street parking spaces on streets near or adjacent to the site may be counted toward meeting parking requirements. Also, a driveway tandem space in front of a garage unit may also be counted toward meeting parking requirements.

I. Sign Criteria

1. The Rural Village Mixed use Overlay District requires an allowance for multiple signs for different users within a single building. In such instances a building sign package shall be provided for approval by the Planning and Zoning Commission and consist of building identification signs and attached signs for individual tenants. Said package shall include:
 - a. A site plan and elevations of the entire building and property.

DRAFT 7_29_08

- b. Locations, details and sizes of the building identification sign(s).
 - c. Locations, sizes, and photo-simulations of all potential and/or proposed attached signs for individual tenants.
2. The limited setbacks and pedestrian oriented nature of the Rural Mixed Use Overlay District eliminates the need for permanent freestanding business signs. In the overlay, signs shall be placed on or attached to buildings.
3. Directional signage and projecting signs over the public right-of-way or public open space for a permitted or conditional use are allowed provided that they are approved by the Planning and Zoning Commission as part of the building sign package on finding that the sign placement will not compromise public health, safety or welfare.
4. All proposed signage within the Rural Village Mixed Use Overlay District shall be in scale and harmonious with the development and shall be so located and sized as to ensure convenience to the visitor, user or occupant of the development while not adding to street clutter or otherwise detracting from the planned unit nature of the Downtown district and the purposes of architectural and urban design elements.
5. Business Signage
6. Residential Signage
7. Off Premise Signs

J. Pedestrian/ Bicycle Linkages

The Vision for the Historic Core relies on creating an atmosphere inviting to pedestrians and bicyclists. Development proposals that coordinate improvements with the concept of linking all areas of the Rural Village Mixed Use Overlay District with multi-modal trails are encouraged.

K. Dark Sky Standards

Outdoor lighting shall be provided in conformance with the International Dark Sky Association Outdoor Lighting Code Handbook.

DRAFT 7_29_08

L. Landscape Standards

- 1) Developments shall be designed to preserve Alva history by reflecting in some manner the previous use of the land when land is converted from agriculture and open areas to more intense development.
 - a) Groves - Preserve and maintain a segment of citrus grove
 - b) Ranches - Keep a segment of the project in pasture land; establish equine communities with common riding areas.
- 2) Architectural styles of buildings will reflect Alva aesthetics: Florida Cracker, Victorian. Arts and Crafts, Ranch; restrict use of Mediterranean; front porches are encouraged.
- 3) Entry to developments will reflect rural nature of Alva and be of appropriate scale and design.
- 4) Decorative fountains and waterfalls will not be used as entrance features or accents in projects.
- 5) No wall or gate shall be visible at roadway.
- 6) Any fencing along roadway will reflect the rural nature of Alva by using hurricane-resistant, "three-board horse fencing" or similar structure.
- 7) No landscape berms will be over three (3) feet in height.
- 8) Monument signs for the development will be in a style that reflects the rural nature of Alva, be of minimum size, and not over lighted.
- 9) All developments are encouraged to use the minimum amount of exterior lighting as required by code to avoid light pollution and keep the rural atmosphere of Alva. Refer to International Dark-Sky Association: www.darksky.org/ida/ida_2/index.html. This light ordinance shall be written into the Homeowner's Association covenants.
- 10) the historic ambiance of County Road 78 (North River Road) will be protected by limiting signage, preserving its large roadside oak trees, native roadside vegetation, and keeping its two-lane status.
- 11) Any golf courses will meet the most stringent Audubon International standard for water conservation.
- 12) Native, low-water use vegetation will be used to the greatest extent possible for all landscaping
- 13) Vegetation
 - a) All proposed developments shall engage a professional arborist to conduct a tree survey that documents all Heritage trees, trees of distinction and trees designated as large enough to be on the tree survey. All such trees should be preserved to the extent possible.
 - b) Heritage tree preservation will be mandatory for all new developments. The possible removal of Heritage trees shall be reviewed by the appropriate Lee County agencies and Alva Inc.
 - c) Vegetation and trees removed during construction of development shall not be burned on site but rather be used as

DRAFT 7_29_08

mulch on the site. Removed vegetation shall be replaced with native plantings.

d) Restrict tree planting under utility lines (underground utilities preferred)

e) Homeowner's Association will have a tree ordinance put into their covenants.